

1 STATE OF NEW YORK : NASSAU COUNTY  
2 COUNTY COURT : PART XIV  
3 ----- :  
4 THE PEOPLE OF THE STATE OF NEW YORK, :  
5 :  
6 - against - : IND: 1456N-00  
7 :  
8 PAUL SCRIMO, :  
9 : JURY TRIAL  
10 :  
11 Defendant. :  
12 -----X

13 May 20, 2002  
14 262 Old Country Road  
15 Mineola, New York

16 B E F O R E:

17 THE HONORABLE JEFFREY BROWN,  
18 County Court Judge.

19 A P P E A R A N C E S:

20 (As previously noted.)

21 \* \* \*

22 THE CLERK: Case on trial continues, Indictment  
23 1456N of 2000, People versus Paul Scrimo.

24 All parties are present. The jurors are not  
25 present.

People ready?

MR. BIANCAVILLA: Ready.

THE CLERK: Defendant ready?

MR. CHAMBERLAIN: Ready.

## Proceedings

1 THE COURT: Counsel, when we broke on Friday,  
2 there were a couple of items that I reserved upon that  
3 I will rule on now.

4 With respect to your request, Mr. Chamberlain,  
5 as to how I should address the different counts, I  
6 decided to do it this way. I'll read it into the  
7 record.

8 Now, we come to the second part of my charge in  
9 which I will instruct you with respect to the  
10 specific charges contained in the indictment. The  
11 indictment consists of two counts; count one, murder  
12 in the second degree; and, count two, murder in the  
13 second degree.

14 These two charges are based upon two different  
15 subdivisions of the Penal Law and based upon two  
16 different theories of law.

17 I think that should cover what you wanted,  
18 Mr. Chamberlain.

19 MR. CHAMBERLAIN: Fine, Judge. Thank you.

20 THE COURT: Additionally, the verdict sheet will  
21 remain as is, so you are aware, I will not be changing  
22 the verdict sheet.

23 Does either counsel have any objection to the  
24 verdict sheet as it is?

25 MR. BIANCAVILLA: No, Judge.

## Proceedings

1 MR. CHAMBERLAIN: No, Judge.

2 THE COURT: Then we'll have it marked as a court  
3 exhibit.

4 Additionally, with respect -- you asked me to  
5 charge with respect to immunity. I will not be doing  
6 that. There is no evidence with respect to immunity  
7 in this trial.

8 The only questions with respect to it were  
9 questions you asked, Mr. Chamberlain, which the  
10 witness denied. He didn't know whether he got it or  
11 not. So, with respect to that, I am not going to give  
12 any charge -- I don't see any evidentiary reason to  
13 charge it.

14 MR. CHAMBERLAIN: My recollection, and I think it  
15 will be the jury's recollection that counts, but my  
16 recollection is that the witness did not recall  
17 signing any waiver and without having signed a waiver,  
18 as the district attorney said in front of the jury, he  
19 would automatically get immunity.

20 THE COURT: What the district attorney says is  
21 not evidence, as you know, and I will direct -- I have  
22 directed them a couple of times during the trial to  
23 ignore what counsel says during the course of the  
24 trial, and I will direct them again during the course  
25 of my charge what counsel says is not evidence and

## Proceedings

1 they should not consider it.

2 What the district attorney says during the heat  
3 of battle while on trial is certainly not evidence  
4 and should not be considered by the jury any way.

5 MR. CHAMBERLAIN: Judge, if the jury finds --  
6 has -- if the jury has a belief after listening to the  
7 questions and answers that the defendant did not sign  
8 a waiver, and I think that's a reasonable -- there's a  
9 reasonable basis for that finding by the jury, then I  
10 believe the jury should be instructed that, if they  
11 find he did not sign a waiver, then that he got  
12 immunity under the operation of 190 -- section 190 --  
13 I think it's .40 or .45. If he didn't sign a waiver,  
14 he got immunity for that testimony.

15 THE COURT: I understand what the law is,  
16 Mr. Chamberlain, but the question here is whether  
17 there's evidence as to require me to make that --  
18 bring that charge to the jury.

19 You certainly could have, since you didn't get a  
20 response from the witness, on your case, if you  
21 desired, you could have called the assistant district  
22 attorney and asked him questions, who presented the  
23 case. At this point there's no evidence before the  
24 Court.

25 Mr. Biancavilla, do you wish to be heard with

Proceedings

1 respect to that?

2 MR. BIANCAVILLA: No, your Honor.

3 THE COURT: Counsel, one other thing before I  
4 bring the jury in. We have to have motions at the  
5 conclusion of the whole case.

6 Mr. Chamberlain, do you have any additional  
7 motions?

8 MR. CHAMBERLAIN: I would move for a directed  
9 verdict at the end of the case.

10 THE COURT: People?

11 MR. BIANCAVILLA: Rely on the record.

12 THE COURT: Your motion is denied.

13 Anything else or are we ready for the jury?

14 MR. BIANCAVILLA: Ready.

15 MR. CHAMBERLAIN: Ready.

16 THE COURT: We'll bring in the jury.

17 (Whereupon, there was a brief pause in the  
18 proceedings.)

19 COURT OFFICER: Jury entering.

20 (Whereupon, the sworn jurors entered the  
21 courtroom and resumed their respective seats.)

22 THE CLERK: Do both sides stipulate that all  
23 sworn jurors are present and seated properly?

24 MR. BIANCAVILLA: So stipulated.

25 MR. CHAMBERLAIN: So stipulated.

Summation - Defendant

1 THE COURT: Good morning, ladies and gentlemen.

2 I hope you had a nice weekend.

3 We are about to commence with the summations and  
4 we will start with Mr. Chamberlain.

5 MR. CHAMBERLAIN: Thank you, your Honor.

6 Mr. Biancavilla, ladies and gentlemen, it's been  
7 a long trial and this is my last chance to talk to  
8 you. The system works that after the defense sums up  
9 and says what we feel the evidence shows, the  
10 district attorney goes, and we don't get another  
11 chance and we abide by that system.

12 I will give you my recollection of what I  
13 believe the evidence shows. It's my recollection --  
14 it's not what counts. It will be your recollection  
15 that counts, not the district attorney's recollection  
16 that counts and, as the Judge will tell you, it's not  
17 even his recollection that counts. It's what your  
18 recollection is.

19 You are the sole arbiters, the sole determiners  
20 of the facts and what you believe here. You should  
21 base that not upon what was said by counsel or the  
22 Court, not upon any rulings made, who may have gotten  
23 a higher hand or done better in rulings or anything  
24 like that.

25 You should base it upon the evidence that you

## Summation - Defendant

1 evaluate, based upon your God given ability to  
2 evaluate people, circumstances, opportunities to see  
3 what people said they saw, whether they appear to be  
4 telling the truth, whether they appear to be lying or  
5 they have a motive to lie, whether they lied before.

6 I think one of the instructions the Court will  
7 give you -- all of the law will come from the  
8 Court -- but one of the instructions will be that if  
9 you find anybody testified falsely with respect to  
10 any material matter, you may, not must, but you may  
11 disregard that person's entire testimony and you may  
12 find that after evaluating the various things that  
13 various people told you, that you may find that they  
14 did testify falsely. If you do, then it's up to you.

15 The important thing here is that you are the  
16 ones that decide what the evidence is and how you  
17 evaluate what people said. You don't just accept  
18 stories. You evaluate whether they are truthful,  
19 whether they had a reason to lie, whether they had a  
20 reason, an opportunity to see, whether the story  
21 makes sense and whether the combined evidence that  
22 the People have presented proves the defendant's  
23 guilt beyond a reasonable doubt.

24 Remember at the beginning of the trial we opened  
25 and the judge instructed you that it's not the

## Summation - Defendant

1 defense's burden to prove anything here, anything.  
2 We are not here to try to tell you what happened. We  
3 don't have that burden. We don't have that power and  
4 we don't have the opportunity to do that.

5 What we are here to do is to tell you that,  
6 based upon the evidence presented, the People not  
7 only have failed to prove the defendant's guilt  
8 beyond a reasonable doubt, but, in fact, the evidence  
9 would tend to indicate that maybe somebody else's  
10 guilt is much more likely. That's your  
11 determination. We are not here to prove that. We  
12 are not assuming any burden.

13 With that preamble, let me try to review the  
14 evidence as best as I recall it. Again, let me  
15 emphasize, and the Court will tell you, it's not my  
16 recollection that counts. If my recollection doesn't  
17 jibe with yours, disregard it. If you think the  
18 Court recalls or the Court should sum up the  
19 evidence, it's not the Court's recollection that  
20 counts. It's yours, solely yours, certainly not  
21 mine, the district attorney's or the Court.

22 It's been a long trial. We are in the beginning  
23 of our fourth week here. We spent two weeks on  
24 actual taking of testimony. All of that came from  
25 the People. From my recollection, there were



## Summation - Defendant

1 something like 25 witnesses and what I would call a  
2 mountain of evidence, a mountain, tremendous amount  
3 of evidence, volumes, and exhibits. You even have  
4 things like the vials that the fingernails were  
5 contained in, empty vials submitted in evidence.

6 You have brochures from a telephone  
7 manufacturing company of telephones with a cord that  
8 was not the cord involved here. A lot of the  
9 evidence was completely irrelevant, as far as I'm  
10 concerned, because -- but you have mountains of  
11 evidence.

12 One quick -- I will review the testimony as I  
13 recall it, but I want to briefly review what I  
14 consider the most important evidence and that is the  
15 physical evidence, scientific evidence, which cannot  
16 be changed. There may have been some attempt here by  
17 the prosecution to change results. They took one  
18 position of scientific analysis which they attempted  
19 to change.

20 Physical evidence, scientific evidence,  
21 basically, it's not capable of changing the story.  
22 You can't have that embellished or expanded upon,  
23 stretched as witnesses will do. I believe you will  
24 find that Mr. Kane did that.

25 Let me review the scientific evidence briefly.

## Summation - Defendant

1 I am going to get into more detail when I get into a  
2 review of scientific evidence.

3 THE COURT: Mr. Chamberlain, will you speak up a  
4 little bit, please?

5 MR. CHAMBERLAIN: By and large, the scientific  
6 evidence here points toward Mr. Kane. That's very  
7 significant. Fingerprints; Mr. Kane's DNA; Mr. Kane,  
8 all over the place; DNA all over the place. Major  
9 contributor, one in 6 billion, DNA records, one in  
10 6 billion with respect to his DNA on cigarette butts;  
11 all over the place, under the victim; DNA on -- major  
12 contributor on the beer bottle that was left on the  
13 table, under the fingernails, most significant,  
14 Mr. Kane.

15 Now, the -- all of this evidence, except for  
16 maybe one part with the fingerprints, was developed  
17 after Mr. Kane gave the police a story that  
18 implicated my guy and that they arrested Mr. Scrimo  
19 on.

20 When they arrested Mr. Scrimo, based on Kane's  
21 story, they had to use Kane. Kane was their horse to  
22 get them through and out of the gate, not only out of  
23 the gate, but across the finish line. Without Kane,  
24 they have no case. At that time we know they  
25 arrested Scrimo.

## Summation - Defendant

1           When Kane subsequently testified at a  
2           preliminary exam and then at the grand jury, the deal  
3           was done. Kane was not prosecuted. My guy was  
4           arrested and they are getting, subsequently, DNA  
5           evidence tying Kane to the scene, but, more  
6           importantly, not only tying Kane to the scene but  
7           they are getting evidence that shows that my guy was  
8           not there.

9           If you listen to Kane's story, it does not  
10          explain the absence of evidence tying this man to the  
11          murder. It does not. You cannot have a little bit  
12          of wiping, as he claimed there was some wiping, and  
13          explain why there are no hairs, no fibers, no DNA on  
14          the cord, on the victim, under the fingernails,  
15          nothing to tie this man to this scene.

16          The absence of evidence here, in my opinion,  
17          should convince you beyond any doubt, not a  
18          reasonable doubt, that he was not involved in this  
19          crime. That's what you are here to determine.

20          You're not here to determine whether they were  
21          out drinking someplace. You're not here to determine  
22          whether or not they -- there was some contact  
23          beforehand. You are not here to determine the  
24          original story told by Mr. Scrimo when he was  
25          first -- when he first talked to the police, I think

## Summation - Defendant

1 it was on the 20<sup>th</sup> of April, 2000, whether it was  
2 complete or whether what he told them after he was  
3 arrested in the early morning hours of May 3rd was  
4 complete.

5 The issue is not whether three or four very  
6 experienced, sophisticated homicide detectives who  
7 were expert at getting admissions, at trying to put  
8 words into people's mouths, put words into  
9 Mr. Scrimo's mouth and whether or not -- the  
10 implication is by what way he looked or in what he  
11 said or how he said it or whether he was telling the  
12 truth, it doesn't matter. I would have a question  
13 about that whole story, but it doesn't matter. Even  
14 if he wasn't telling the full truth, that's not the  
15 issue.

16 The question really then is what evidence could  
17 they have that convinces you beyond a reasonable  
18 doubt that he committed the murder. That's what we  
19 talked about when we opened here. That's what you  
20 are being asked to rule on here, to make a finding on  
21 here, which is very important to the People, no  
22 question.

23 They have taken a position here. They have  
24 staked their position on Kane's testimony and their  
25 position is that it's -- that my defendant is guilty,

## Summation - Defendant

1 and, if he's guilty, he should be put in jail,  
2 probably for the rest of his life.

3 Now, it's very, very, very important, obviously,  
4 for Mr. Scrimo, so I want to now take the time and,  
5 if you will give me the time to do so, I apologize  
6 for taking this time, but I want to review in some  
7 detail what I recall of the evidence submitted here.  
8 I think there were 25 witnesses. There were a lot of  
9 witnesses.

10 I think the first witness was a relative of the  
11 deceased. Obviously I am sympathetic to his loss.  
12 There were a couple of witnesses from the deceased's  
13 job that indicated she was a good worker. One of the  
14 witnesses indicated that the victim had a concern  
15 about a police officer stalking her. There was no  
16 indication what, if anything, was done with respect  
17 to that investigation and that information.

18 I think the fourth witness was Thomas Hartman  
19 who was a bartender at Wild Childs. I use the term,  
20 by the way, ladies and gentlemen, wild, because, even  
21 though it was Y.L., I think, in the vernacular, the  
22 bar was known by wild because of the sound. It  
23 sounded like wild. I'm going to use wild. It's just  
24 simpler.

25 Hartman was a bartender. I think he had been at

## Summation - Defendant

1 Granny's earlier that night, Granny O'Shea's, a  
2 different bar. He then went back to Wild Childs. He  
3 saw Ruth talking to a couple of people, one of them  
4 he knew as John, and the other was a person he  
5 described as bald and with tattoos.

6 Interestingly, when he was asked to identify  
7 this defendant, he said no, it wasn't him. That was  
8 here, but he subsequently did identify photographs of  
9 the defendant at the time, photographs taken of the  
10 defendant at the time.

11 He didn't say anything about -- he did indicate  
12 that some time after -- he indicated that there was a  
13 incident with keys and then at some time after that  
14 he thought Ruth Williams had taken his keys. She  
15 left shortly before closing, and then he indicated  
16 that John and Paul --

17 THE COURT: Please speak up, Mr. Chamberlain.

18 MR. CHAMBERLAIN: Mr. Frank DeFalco was the next  
19 witness and he indicated that he was the owner of  
20 Falcon's Nest, that John and the defendant had been  
21 there earlier playing darts. He knew John well as  
22 John Doe, and not only did he know him well as a  
23 regular customer that frequented there, but they had  
24 even named a drink after him, the John Doe, which is  
25 an interesting factor.

## Summation - Defendant

1 John Doe. Why is somebody called John Doe? It  
2 is a name associated with somebody without a name.  
3 That is one of the factors I'm going to ask you to  
4 consider in terms of his credibility. He was known  
5 by that name. I think a reasonable assumption is the  
6 reason he was known by that name is he was a drug  
7 dealer. As Police Officer Stark told you, the  
8 defendant told her the victim was trying to score  
9 drugs from John Kane.

10 I think it's a reasonable assumption you can  
11 make. Why is somebody known by the name John Doe,  
12 not by his real name? His middle initial, by the  
13 way, was not D. Why John Doe?

14 I believe DeFalco also indicated that John Doe  
15 drank heavily there and you heard from other  
16 witnesses that John Doe was a heavy drinker. You  
17 heard that from him, three or four times a week,  
18 heavy drinker.

19 Where did he get the money from? Again, going  
20 back to evaluating John Doe, he never filed income  
21 tax returns. His testimony was he worked, I think,  
22 less than two days in the prior -- or two days in  
23 more than two months. That would be averaging out to  
24 approximately less than twelve days a year.

25 How do you live? How do you support yourself,

## Summation - Defendant

1 particularly a heavy drinking habit when you go out  
2 every night going from one bar to another, which is  
3 what he did? Where do you get the bread to do that?

4 Something you can consider, where do you get the  
5 bread to support a heavy drinking habit every night  
6 going from bar to bar where you are known as a  
7 regular in all these bars? Where does it come from?

8 I asked if he sold drugs. He said no. You have  
9 to decide whether that's a credible answer. You have  
10 to decide, based upon this person's appearance, his  
11 life style, his name, his habits, what was he doing?  
12 What was his relationship with the victim?

13 We are going to get back to that, which is maybe  
14 one of most important things.

15 The next witness was a Mellisa Netarnicola, who  
16 was, I believe, a girlfriend of Tom Hartman, and she  
17 testified that she had been somewhere in Wild Childs  
18 in the early morning hours of April 12th, 2000, and  
19 Ruth was acting wild, seductive I believe, taking her  
20 strap down, although she was wearing a shirt  
21 underneath, but she didn't see Ruth leave.

22 Penny Shouse was the next witness. She was a  
23 bartender at Granny's. She had gone to -- she had  
24 seen Ruth there. I believe Ruth was with some other  
25 man at the time. I think that evening Ruth was with



## Summation - Defendant

1 two other men before she ever saw these men. One was  
2 at the Downtown, a bald, stocky fellow, not this  
3 defendant. Then she was with some other fellow with  
4 a toupee. She left one, one left. They were both,  
5 these other men were both -- I think one left in  
6 Granny's and then the other one left in Wild Childs.

7 On cross-examination Shouse was asked whether or  
8 not she had ever seen Kane supply drugs. She  
9 immediately got an attorney and we were then only  
10 allowed to ask her if she had gotten drugs, if she  
11 had gotten drugs on the night in question or just  
12 before testifying and she said no. But Miss  
13 Shouse -- I'm not sure about that so I won't say it.

14 I know that Miss Shouse was a friend of a Bill  
15 DeLusa, I believe his name was, who did not testify.  
16 He didn't testify. He was the owner of Wild Childs,  
17 and she indicated that she knew John Doe, or John,  
18 well during the period involved, over two years ago.  
19 As you have heard, he moved. He left that area  
20 shortly after the incident, after the murder, and did  
21 not return.

22 The next witness was a Jerry Connell who was a  
23 Verizon representative who testified to certain  
24 records. The only significant thing about his  
25 testimony was that the telephone in that apartment

## Summation - Defendant

1 was working. The telephone was ringing, I think,  
2 when the police arrived.

3 There were records of telephone calls coming in  
4 and out after the poor lady was killed, and so there  
5 was a phone available if Mr. Kane's story was -- if  
6 Mr. Kane was there, as he said, and somebody was  
7 trying to murder Ruth. He had a telephone available.  
8 It wasn't that it wasn't working. It was working.

9 Francine Quinn was an interesting witness. She  
10 was a barmaid at the Downtown. She knew John Kane  
11 well from the two years previous. She subsequently  
12 and is presently under arrest and indictment for drug  
13 sales at the Downtown, one of the places that  
14 John Kane frequented.

15 She claims she saw Ruth with different men that  
16 night at the Downtown and then at Wild Childs, but  
17 then she saw John with a stocky man with a buzz cut,  
18 buzz hair cut which, upon further prodding by the  
19 assistant district attorney, she turned out to say,  
20 was a shaved head.

21 She also testified about the incident with the  
22 keys that Tom Hartman had testified to and that then  
23 she left -- she testified she saw Ruth leave and she  
24 left about 10 or 15 minute later. She didn't say  
25 whether or not Kane, or Doe, whatever you want to

## Summation - Defendant

1 call him, and the defendant had left before.

2 Now, the timing is important because she claimed  
3 that she walked quickly. It was cold. She walked  
4 quickly, and you heard the detective,  
5 Detective McHugh, testify it was about a three-minute  
6 walk, normal walk. She walked quickly from Wild  
7 Childs around the Downtown to the back of where  
8 Ruth's apartment was to where her car was parked in  
9 the third row.

10 I think if you look at photograph, it's more  
11 like 150 feet, 120 feet from the entrance way rather  
12 than the 50 or so feet that she put.

13 She claimed she saw two people arguing who she  
14 identified here as the defendant and Ruth. She knew  
15 Ruth.

16 Now, you have to make a determination as to  
17 whether you credit that, if they were arguing -- I'll  
18 withdraw that for a second.

19 She shortly -- I think the same day that  
20 Mr. Scrimo was arrested -- was called into a lineup.  
21 She was one of the witnesses who could not identify  
22 Mr. Scrimo. He was sitting there about, I believe,  
23 somewhere around seven feet in front of her, well  
24 lighted, big as life. She couldn't identify him.

25 She then talks to some detectives afterward and

## Summation - Defendant

1 then she tells you here she could identify him. She  
2 claims she identified him from tattoos but -- and  
3 build, but if she did, if she did, her story about an  
4 argument with him, having an argument with the victim  
5 outside the back door simply -- and then saying,  
6 pardon my French, then saying the word fuck, doesn't  
7 square with Kane's version as to where this argument  
8 took place.

9 Kane's version was very simple. There was one  
10 argument. It boiled up quickly. First he -- first  
11 Scrimo had left and gone and gotten some beer. He  
12 said it was Budweiser. Maybe that was an attempt to  
13 explain the Budweiser bottle left on the table, but  
14 he said he got some beer.

15 The receipt shows the beer was Coors beer, but  
16 any way, he says it was about a ten-minute period.  
17 Then he comes -- then Scrimo comes back and they sit  
18 around chilling, cooling. I think he said he was  
19 vegging, sitting around.

20 They each have a beer for about another ten  
21 minutes. Then, all of a sudden, according to him,  
22 there's a very explosive argument where she says  
23 something to -- something to the victim -- the victim  
24 said something to Scrimo, and he said I'm not taking  
25 this, I'm out of here.

## Summation - Defendant

1 He says wait a minute, where are you going, man,  
2 we just got here. And she says let him go home to  
3 his fat ugly wife.

4 Now, that's one argument that happened like  
5 that. It could not have happened downstairs outside.  
6 And if you believe the People's witness -- and they  
7 put these people on saying believe them and they are  
8 vouching for their credibility -- if you believe the  
9 People's witness that the argument happened outside,  
10 then maybe Scrimo was on his way out of there.

11 No. Kane stopped him. He was saying fuck it,  
12 I'm out of here. There's no way they can make the  
13 two -- they tried, but there is no way they can make  
14 the two jibe. There's no way and that's important.

15 Timing-wise, it's important, and  
16 credibility-wise it's important. Kane tried to say,  
17 well, I wasn't aware where the victim was. There was  
18 no explanation as to why the victim, under his  
19 version of what happened that night, would leave the  
20 apartment. He never saw her leave. She never said  
21 anything about leaving. It doesn't make sense in his  
22 story.

23 Frankly, if you analyze his story, I don't think  
24 his story makes sense because a person who has been  
25 told earlier -- according to Kane, the victim tells

## Summation - Defendant

1 Scrimo earlier that evening -- Kane says she is  
2 coming on to him. She's really interested in him and  
3 he's brushing her off.

4 Why she's interested in him is a separate story,  
5 but that's what Kane tells you. And he says at that  
6 time Scrimo says what about me. And she says go home  
7 to your wife, you're married, words to that effect,  
8 you're married, go home to your wife.

9 At the bar, that's at Wild Childs, is there any  
10 flack then? No. Does it make sense, ladies and  
11 gentlemen?

12 The story the People would have you believe,  
13 Mr. Kane's story, and that is, without any preamble,  
14 Mr. Kane and Mr. Scrimo had gone up at Mr. Kane's  
15 suggestion after about eight hours of drinking to  
16 have a drink at the victim's apartment. That's his  
17 testimony.

18 They went up and they had been drinking since  
19 they started playing darts about 8:00 p.m. the night  
20 before. It's now 4:00 a.m. on April 12<sup>th</sup> and Kane  
21 says let's go up to Ruthy's and have a drink.

22 They go up, sit around. Scrimo gets them beer.  
23 They sit around. They all have a beer, and then, all  
24 of a sudden, according to him, there's some words.  
25 Scrimo says I'm out of here, I'm not taking this.

Summation - Defendant

1 And she says let him go home to his fat ugly wife.

2 And he rushes by Kane and strangles her.

3 What is different from let him go home earlier  
4 tonight when nothing happened to let him go home to  
5 his fat ugly wife then, couple words? Does that make  
6 any sense? That's what the district attorney is  
7 asking you to believe and they are asking you to  
8 believe Kane.

9 I will get to his credibility in a little more  
10 detail as soon as I finish with this witness. They  
11 are asking you to believe that story, ladies and  
12 gentlemen. I just don't think that story is  
13 believable.

14 Then Bost testified after Francine. He was the  
15 older gentleman who owned Captain Andy's where the  
16 victim lived. He found the body.

17 Detective Downes, very interesting detective.  
18 My opinion, a very sharp detective. He's a crime  
19 scene collector. He's an expert and did one hell of  
20 a job here.

21 If you have any question about what he did,  
22 because the records did not get into evidence, but he  
23 testified, you can ask for a read back.

24 My recollection is the following. And, you  
25 know, it's important because the absence of evidence,

## Summation - Defendant

1 after all the evidence that he collected, the absence  
2 of evidence tying Mr. Scrimo to this murder scene is  
3 probably the most significant factor in this case,  
4 the absence of evidence.

5 So, if you have any question about what was  
6 collected, go back and ask for a read back of  
7 Detective Downes's testimony.

8 My recollection is there were 36 items, physical  
9 items, that were collected, cigarette butts, hairs,  
10 fibers, various items were collected from all over  
11 that apartment, all over the apartment. He  
12 photographed 63, is my recollection, different pieces  
13 of that apartment and the scene. He listed those.

14 If you want a read back, go back. He dusted all  
15 over the apartment and he gave you a list, and the  
16 record indicates any number of places in each room,  
17 each separate room of that apartment, bathroom, the  
18 kitchen, there was a bedroom, and then a living room.  
19 That's the way it was laid out and each room, all  
20 over the place, window sills, doorways, stereos.

21 No print, by the way, on the stereo that  
22 Mr. Kane said he was using. Why not? According to  
23 him Scrimo was never back there. Did he brush off  
24 anything?

25 There's an interesting question about the



## Summation - Defendant

1 physical evidence in this case. The evidence that  
2 was found all shows it was Kane, but there may have  
3 been more evidence that should have been found that  
4 maybe is not explained by what Kane said was done  
5 when he and Scrimo left the apartment.

6 He says they together cleaned up the scene. He  
7 said Scrimo did a little brushing off of the table,  
8 the chair and couple of knobs. He removed the beer  
9 bottles. He collected that evidence and took it out  
10 of the scene.

11 If you have any question about the photographs,  
12 the other evidence and the -- not only the  
13 collection, Downes indicated what was done. They  
14 were sent to different forensic specialties in SIB,  
15 latents -- by the way, my recollection, he took two  
16 prints, he lifted two latent prints himself and sent  
17 those in. He dusted and there were many other prints  
18 found by the experts.

19 He also, according to my recollection, he also  
20 took a videotape. He prepared a satellite photograph  
21 of the area. He prepared a diagram of the things to  
22 scale, except for the stairs, and he found -- he told  
23 you where he found these various items, including, by  
24 the way, one of the cigarette butts which  
25 subsequently went from him to SIB, from SIB over to

Summation - Defendant

1 DNA. These butts, one of which was found under the  
2 victim's body after she had been removed --

3 MR. BIANCAVILLA: Objection.

4 THE COURT: Ladies and gentlemen, it's your  
5 recollection of the evidence that controls. What  
6 either counsel says does not control here.

7 If you want something read back, ladies and  
8 gentlemen, that's why we have the court reporter.  
9 We'll be glad to have something read back.

10 MR. CHAMBERLAIN: Exactly. Thank you, Judge.

11 If you have any question about what  
12 Detective Downes did or what Detective Downes said,  
13 please, ask for a read back.

14 My recollection is, in addition to taking  
15 photographs of the carpet where the victim was found,  
16 he took photographs of and lifted prints on the  
17 doorway to the living room and bedroom.

18 According to Kane the victim's body was between  
19 the kitchen and the living room. There was no  
20 testimony that my client ever went beyond that, but  
21 Kane did.

22 With respect to physical evidence, there was  
23 some evaluation, in my recollection, of the  
24 fingernails taken from the victim. The evaluation of  
25 the fingernails is important.

## Summation - Defendant

1 One of the fingernails, I think R3, came back to  
2 Kane. The material underneath was Kane's DNA. The  
3 other two fingernails, they didn't tie into anybody  
4 other than the victim, but they indicated no seminal  
5 fluid was found on them.

6 That's an interesting fact here. There may have  
7 been an absence of evidence to support Kane's  
8 testimony about what he claimed occurred. You may  
9 find that you have a disbelief or are having trouble  
10 believing Kane about this instance of alleged oral  
11 sex on this occasion. He may have had alleged oral  
12 sex on other prior occasions, but there's no evidence  
13 that he had it on this occasion.

14 It may have been he was trying to get it on this  
15 occasion or it may have been there was an argument  
16 about that or about drugs, but there's no evidence,  
17 according to the physical evidence that was collected  
18 at the scene from the victim, of any oral sex on this  
19 occasion, no pubic hairs, no seminal fluid, no  
20 evidence.

21 The next witness was the medical examiner who  
22 indicated, interesting enough, there was an -- in  
23 addition to the strangulation, which was deep enough  
24 to cause fractured bones in the neck of the victim,  
25 that she had blunt impact on at least two different

## Summation - Defendant

1 locations on the side of her head, I believe one was  
2 lower and one was upper.

3 Now -- and I believe it was the left side, by  
4 the way, ladies and gentlemen, that's my recollection  
5 of what he testified to.

6 Now, Kane's rendition of what happened here,  
7 that the victim went straight down, does not explain  
8 deep lacerations that were testified to by the  
9 medical examiner that could be seen deep inside the  
10 skin on the victim's head.

11 That is significant. Where did they come from?  
12 There was an attempt to say, well, she may have  
13 fallen against some metal rung, but there's no metal  
14 rung shown there. If it had -- a metal rung would  
15 have caused, at most, one. And he indicated it was a  
16 blunt force impact, not a sharp impact as a metal  
17 rung may have caused. But, at most, it would be one.

18 There was an attempt to say maybe the other was  
19 hitting the floor, but there was a carpet there.  
20 There's no explanation for those deep blunt force  
21 impacts that the medical examiner found.

22 Doctor Manning was the next witness, the  
23 toxicologist. He indicated that the deceased was  
24 intoxicated. He did not detect any drugs except the  
25 drug by the name of gamma hydroxybutyrate acid.

## Summation - Defendant

1 Now, that is what -- he testified that's known  
2 as a date rape type of drug. It's the kind of drug  
3 that somebody who wants to rape somebody might use.  
4 He indicated he didn't think that was -- the amount  
5 he found was -- he thought it was consistent with  
6 normal suppression after death. However, there was a  
7 significant enough finding for him to make the claim  
8 that that drug was in existence.

9 As to cocaine, he indicated that it would last  
10 up to 48 hours. The autopsy was more than 48 hour  
11 after. It was some time in the morning of the 14<sup>th</sup>  
12 of April, more than 48 hours after this incident,  
13 after the drinking the night before. So that there's  
14 no evidence as to whether or not this victim had been  
15 taking cocaine that night one way or the other.

16 Detective Costello, the fingerprint expert, he  
17 testified to the prints he found of Kane at the scene  
18 and two other persons, one of whom was named John  
19 Marks, not explained, and another by the name of  
20 Steven Schwartz who had been arrested for a drug sale  
21 some months later, I believe, November of 2000.

22 The detective in the case, the homicide  
23 detective in this case, indicated he had spoken to  
24 Schwartz some time after the arrest. I believe it  
25 was some time in April of 2000. No explanation as to

## Summation - Defendant

1 why he had spoken to Schwartz when his fingerprints  
2 were not matched until November of 2000, but,  
3 certainly, the fingerprints indicated that  
4 Mr. Schwartz had been in the victim's apartment at  
5 some time prior to her murder.

6 Detective McCarthy was the serologist. Serology  
7 is the study of bodily fluids, he told us. He  
8 claimed he noticed some reddish-brown coloring under  
9 the fingernails when they were returned from the ME.

10 You'll see the photograph in evidence of the  
11 deceased. She had short fingernails and the  
12 fingernail clippings were very slight. They were  
13 taken from the ME and sent to SIB. That's the Nassau  
14 County Police Department, Scientific Investigation  
15 Bureau, and from there they were sent to LabCorp for  
16 DNA analysis.

17 Now, a couple of things here. One, no tests  
18 were done, no serology tests were done for blood or  
19 any other bodily fluid on these by the ME. The  
20 report indicated that and Detective McCarthy so  
21 indicated.

22 Two, McCarthy did not, Detective McCarthy did  
23 not examine these fingernails prior. He didn't test  
24 for blood beforehand. He did not make any notation,  
25 which a scientist should note of any significant

## Summation - Defendant

1 finding under a microscope. You note that. You make  
2 a notation right then and there. He didn't make any  
3 notation of the color.

4 But after LabCorp sends the fingernails, which  
5 was their -- their report came out in June, long  
6 after the defendant's arrest, he then decides to make  
7 further analyses of just, just R3.

8 Why? Why are we doing further analyses of R3?  
9 What are the People doing here? Are they collecting  
10 evidence to determine who committed this crime or are  
11 they trying to pin the tail on donkey. They already  
12 have the donkey. They are now trying to pen it on  
13 him.

14 What are they doing? The evidence comes back  
15 R3, DNA, conclusive, one in 6 billion. It's Kane.  
16 It's Kane's DNA.

17 Now, how do we explain that? Well, now we are  
18 going to try to lessen the blunt of that evidence.  
19 We are going to try to detract from that. So we are  
20 going to try to say it's not blood. It must be some  
21 other kind of tissue, skin. It didn't go deep enough  
22 to cause blood. You can have a scratch without  
23 blood, but they are trying to lessen it.

24 That's what was being done here. That's what  
25 you have. You have to analyze the timing on these

## Summation - Defendant

1 tests and what was done in each case. There's an  
2 attempt to change the effect of scientific evidence  
3 to try to point it from Kane, which it pointed to,  
4 and to try to point it towards Scrimo.

5 Now, he admitted that the DNA test swabs, he  
6 could have removed some of the material from the  
7 fingernails, but, according to him, there was not  
8 enough left.

9 Interestingly, again, the other two fingernails  
10 were not tested for blood. I think it was R2 and R5,  
11 but they were tested for seminal fluid and they came  
12 back negative, no seminal fluid.

13 If, in fact, they all had a reddish brown color,  
14 why weren't they all tested or, more importantly, why  
15 was -- why did he not test these things before they  
16 were sent out to LabCorp, if, in fact, he had a  
17 question about the type of material and the type of  
18 tissue which was contained under the fingernails.

19 Detective Shiraldi, he's the scientific expert,  
20 microscopic expert for hair, fiber, the cord,  
21 cigarette butts, the tool marking. Shiraldi was an  
22 interesting witness. He originally tested, before my  
23 client was arrested, he tested the cord. He  
24 examined, I understand, the cord under the microscope  
25 and he comes out with a finding it was a one



## Summation - Defendant

1 directional cut.

2 Remember the cord? You saw the photographs.  
3 The cut on the ligature cord, one directional, which  
4 he testified on direct there were three different  
5 types, generally three types of cuts. One is a one  
6 directional cut which is with a knife; two is a  
7 shearing type cut where the blades move across each  
8 other like a scissor; and three is where you have a  
9 pinch type cut where the blades come together to cut.  
10 His finding was that this was a one directional cut.

11 After they arrest the defendant, they find a  
12 leatherman tool, which a superintendent uses, many  
13 people use, on his person.

14 Now, the tool mark expert who is fully qualified  
15 to do a tool analysis decides, or the detectives  
16 decide, or somebody decides, let's not go with  
17 Shiraldi's findings because one directional doesn't  
18 fit. So they sent it off to the FBI.

19 One other factor, there's a little piece of  
20 black material that -- little black dot on that tool  
21 that looks like it's from the insulation on the cord.  
22 They send that off to the FBI to be tested, along  
23 with the tools. It is after, again, timing is  
24 important, after the defendant's arrest.

25 Shiraldi comes back on, after testifying on

## Summation - Defendant

1 direct and cross that -- about cuts, he comes back on  
2 redirect and he now says what he meant was one  
3 directional was a scissor type -- that a scissor  
4 would cause a one directional cut.

5 That's my understanding of his testimony on  
6 direct. Your recollection will control, but that's  
7 certainly not my understanding, and it's not  
8 consistent with scientific principles about tool  
9 marks which he's an expert in.

10 Rossotti, the FBI agent, he was very clear the  
11 leatherman tool is a shearing type. A scissor is a  
12 shearing type. A one directional cut is not made by  
13 a shearing type tool. A one directional cut is not  
14 made by a knife, a single direction, either cutting  
15 through or against a piece of wood. It's not where  
16 the blades slide across each other.

17 This cord was not cut by a knife or any similar  
18 type of tool. It was cut by a shearing type tool  
19 but, clearly, he could not say it was cut by this  
20 particular tool, as Mr. Biancavilla was trying to get  
21 from Shiraldi, that there was something unique about  
22 this tool.

23 He could not say there was any -- that this  
24 actually cut that cord and that was the report from  
25 the FBI. He was asked how many types of -- shearing

## Summation - Defendant

1 types of tools are there and he said hundreds of  
2 thousands.

3 Now, the material on the cord was not tested by  
4 the FBI. It was then tested by, subsequently, by  
5 SIB. We are now months and months later. Clearly  
6 that material could not have come from the cord, so,  
7 again, an attempt, months and months after his  
8 arrest, to tie this man to the scene, tie him to the  
9 physical scientific evidence.

10 Clement was the next witness. Clement was the  
11 expert from North Carolina, the LabCorp expert.

12 The original tests -- and you'll have that in  
13 evidence -- her original report was dated May 9.  
14 It's dated May 9, but it's based on material sent to  
15 her long before my defendant was arrested.

16 This report is interesting because it shows --  
17 there was an evaluation of the beer bottle which  
18 shows -- in the beer bottle, one Budweiser beer  
19 bottle found on the table came from a mixture of  
20 people, but the victim was excluded. Ruth Williams  
21 was not part of that group. That's the initial  
22 analysis.

23 The next report comes after my defendant has  
24 been arrested. It's dated June 23<sup>rd</sup>. This is based  
25 upon swabs sent from -- the oral swabs from

## Summation - Defendant

1 John Kane -- there were no oral swabs taken from the  
2 defendant -- an oral swab from John Kane.

3 Mr. Scrimo provided blood and the -- this report  
4 indicates that, again -- this report is interesting.  
5 With respect to the beer bottle, page three of this  
6 report, the profile for the -- the profile for the  
7 beer bottle was consistent with a mixture of DNA from  
8 more than one individual, again, a mixture.

9 She says neither John Kane nor Paul Scrimo can  
10 be excluded as contributors, but she goes on to say  
11 there's a nine allele detected which could not have  
12 been contributed by either of these individuals.

13 Now, that report, combined with the original  
14 report excluding the victim, indicates there was some  
15 other person there, at least whose DNA was on that  
16 beer bottle, not the victim. The victim was  
17 excluded.

18 They couldn't exclude -- didn't include, but  
19 they couldn't exclude Kane or the defendant. But  
20 there was another person there. It couldn't have  
21 been contributed by either of them. This was  
22 inconsistent, inconsistent with Kane's story. This  
23 would place a third person there, according to this  
24 report, and that was never corrected in any of these  
25 reports.

## Summation - Defendant

1 She did, if you recall her testimony, she did  
2 say in a November letter that she had changed her  
3 conclusion about Ruth Williams being excluded, that  
4 maybe Ruth Williams could have been included.

5 Interestingly, the last report, which was March  
6 of 2001, they are sending it back again, again an  
7 attempt to change the scientific evidence to point  
8 toward this man.

9 They are now saying the June report, June 2000,  
10 they couldn't provide any statistical analysis. The  
11 purpose of DNA is to include someone by a certain  
12 statistical random percentage as to what the chance  
13 is that he's the one that's on there.

14 In other places she provides the analysis, for  
15 example, with respect to some of the cigarette butts,  
16 one in six billion. With respect to the fingernail  
17 that ties Kane to the victim, Kane's DNA and the  
18 victim's DNA, the statistical analysis was, I think  
19 it was one in 2,600,000. You can look at it.

20 The DNA profile from the fingernails are  
21 consistent with a mixture of DNA from one individual.  
22 John Kane cannot be excluded as a major contributor  
23 to the DNA material in this sample and Ruth Williams,  
24 item seven, cannot be included as a minor  
25 contributor. That's the material under the victim's

## Summation - Defendant

1 fingernails.

2 The probability of randomly selecting an  
3 unrelated individual for DNA testing consistent with  
4 the major DNA profile is approximately, for the  
5 Caucasian population, one in 2,600,000, 2,600,000.  
6 That's an interesting statement there.

7 Up here she testified that when there's a  
8 mixture, you can't provide statistical analysis, but  
9 she does right here. Kane was the major contributor  
10 for this fingernail sample and she provided it. For  
11 him she could give that analysis.

12 When we get over to a year later when the  
13 material is sent back to her, she now, again, has  
14 Kane as a major contributor to the DNA material on  
15 the beer bottle, but she says there's no difference  
16 between -- that the one in 6,800 is for whoever was  
17 there.

18 That makes no sense. It makes no sense and is  
19 inconsistent with her other report. It's  
20 inconsistent. First of all, she was predicting. She  
21 was predicting statistical analysis for a mixed  
22 sample. She did it in June.

23 Second of all, she did it for a major  
24 contributor, and, even in March of 2001, March 29<sup>th</sup>,  
25 according to the -- her report, John Kane cannot --

## Summation - Defendant

1 it was just on the beer bottle. John Kane cannot be  
2 excluded as a major contributor to the genetic  
3 material in the sample. Ruth Williams and  
4 Paul Scrimo cannot be excluded as minor contributors.

5 Scientifically, the manner of testing, the  
6 manner of reporting, that does not conform with what  
7 her prior report was with respect to the other DNA  
8 samples.

9 Now, the judge will explain to you how you can  
10 evaluate expert testimony and I won't belabor that  
11 point. I suggest that there is -- there was a basis  
12 here for believing that there was an attempt to  
13 stretch and to get this defendant.

14 More importantly, although she's an expert with  
15 respect to evaluating material sent to her for DNA  
16 analysis, she may have had some prior experience as a  
17 criminologist, but her testimony with respect to the  
18 accumulation of DNA under the fingernails is, I  
19 believe, a serious stretch.

20 You don't have to be a rocket scientist, ladies  
21 and gentlemen, to know when it's more likely to get  
22 material under fingernails. For a lady, you know how  
23 you get material under your fingernails, particularly  
24 short fingernails.

25 You don't get it by brushing your hands over

## Summation - Defendant

1 somebody, or, as Mr. Kane claimed, by grabbing his  
2 behind. Pardon me for being crude. You don't get it  
3 by just light touching.

4 Anything is possible. But what is likely? What  
5 is reasonable? You as mature intelligent adults can  
6 determine whether or not it's more likely that  
7 somebody is going to get material under fingernails  
8 by being -- during a struggle, when the victim is  
9 trying to prevent the -- prevent a strangulation, or  
10 when she's brushing her hand lightly over somebody's  
11 behind or through his hair.

12 If she -- it's my -- I think you can also figure  
13 out that if there was a scratching during any of that  
14 sex play, sex act, there would -- Mr. Kane would have  
15 known about it and you would have heard about it.

16 Another stretching, by the way, no report is  
17 made by the detective about the fact that Kane had  
18 scratches, no notation of that, no examination of  
19 Kane to see if he had scratches. But, nevertheless,  
20 we have testimony here that when Kane went in on  
21 April the 15<sup>th</sup>, a few days after the incident, after  
22 the murder, the detectives noticed he didn't have  
23 scratches.

24 Why didn't he make a notation of that? Did he  
25 look at him, examine him? No. They are trying,



## Summation - Defendant

1 after the fact, to get Kane out of the way, to show  
2 Kane didn't do it, even though the evidence points to  
3 Kane, so that they can convince you that Kane's story  
4 is true and that this man did it. That's what this  
5 case is all about. I think if you think about that  
6 factor, you'll have to go no further in your  
7 deliberations.

8 Where did the evidence point? Lisa Lawson  
9 indicated that some records from 7-Eleven were kept  
10 in the regular course, but that the sale reported on,  
11 I think it was People's 84, which is a record, was  
12 not registered, did not ring up. It was not totaled  
13 as a sale and that's an interesting factor there with  
14 respect to Hussain's testimony.

15 Detective Dempsey retires. He's been around,  
16 been a detective for some 39 years. He claimed that  
17 they were just sitting outside, he and three other  
18 experienced detectives, for a number of hours, even  
19 though -- I don't know whether he said he knew, but  
20 other detectives knew exactly where Scrimo was on the  
21 night of May 2<sup>nd</sup>.

22 They knew he was in the Falcon's Nest. They  
23 knew he was there to play darts. They knew Kane was  
24 meeting him for the third week in a row after the  
25 murder. It was that night, a Tuesday night, and they

## Summation - Defendant

1 chose not to go in. They chose to sit around for a  
2 couple of hours outside, four detectives. They are  
3 sitting around waiting outside to arrest him outside  
4 after he had been drinking and when he was alone,  
5 when he was alone.

6 Why? Were they incapable of going in there and  
7 arresting him? Heck, no. They were fully capable.  
8 They had no fear. The reason they did that is so  
9 nobody knows, so nobody calls his wife who calls an  
10 attorney. It was so they have a chance to  
11 interrogate him overnight, which they did.

12 Now, Detective Dempsey, he says he read him his  
13 rights. I don't think he had a card, but I will  
14 concede that Detective Dempsey, whom I know, has been  
15 around long enough to know the rights by heart. He  
16 didn't need a card, but he certainly didn't have him  
17 sign a card. He didn't need a card because Dempsey  
18 would know.

19 According to Dempsey he said we are arresting  
20 you for murder. He says I have been here all night.  
21 And Dempsey says, no, we are arresting you for some  
22 other murder. But there is no further conversation  
23 other than he said I didn't do anything.

24 Dempsey says there was no mention about a recent  
25 court decision, but it's still -- Scrimo is being

Summation - Defendant

1       interrogated by two other homicide detectives,  
2       Detective McHugh and Detective Parpan. He mentions I  
3       know you don't have to read me my rights anymore.

4       Now, Parpan tells us there was no further  
5       comment on that. We didn't say anything. We didn't  
6       say, yes, we do. Nothing. Merely do you understand  
7       your rights and do you want to proceed? According to  
8       them, the answer is yes.

9       No rereading. Big question, and one of the  
10      issues here, and the Judge will tell you the law, but  
11      the law is that -- the Judge is going to tell you  
12      that the People have to prove beyond a reasonable  
13      doubt, again, that the defendant was advised of his  
14      rights and knowingly and intelligently waived those  
15      rights before they can use any statement that they  
16      may claim they took from him. I don't think that  
17      happened.

18      You are going to be the determiners of the  
19      facts, but, remember the statement is made that I  
20      understand you don't have to. No correction on that,  
21      merely do you want to proceed, yes, and go ahead.

22      We have from 1:00 a.m. to about 7:15  
23      interrogation of the defendant on May 3<sup>rd</sup>, 2000. We  
24      have four detectives involved. We have testimony  
25      from three of them, and the testimony, basically, was

## Summation - Defendant

1 that the defendant was evasive or denied different  
2 things or didn't answer correctly or looked down or  
3 was sullen or withdrawn or was extremely  
4 sophisticated, but -- an extremely sophisticated  
5 story about extremely sophisticated homicide  
6 detectives, particularly Parpan who really could  
7 print a script for TV. He remembers. He seemed to  
8 recall, from two years ago, everything that was said  
9 in the sequence which it was said.

10 Detective McHugh was more relying on Parpan's  
11 recollection because, if you heard him, Parpan took  
12 the notes. Parpan used his recollection to record  
13 things and Detective McHugh read those notes to  
14 refresh his recollection as to what was said.

15 What was all of this? It was an attempt to try  
16 to claim the defendant was being evasive or lying.  
17 It was an extremely sophisticated attempt, but I  
18 submit, ladies and gentlemen, that the inflections by  
19 Detective Parpan, the way he made facial expressions,  
20 the way he claimed the defendant then looked down or  
21 refused to look him in the eye, looked withdrawn or  
22 sullen, whatever, is part of a story that detectives  
23 are trying to give you when they don't have any  
24 admissions and that's what they had, no admissions.

25 In fact -- there's a question as to what was

## Summation - Defendant

1 said. Were these words being put in the defendant's  
2 mouth? Isn't it possible you did this? Is it  
3 possible you said that.

4 Assume for a second that some of those things  
5 were exactly the way they were related -- and I doubt  
6 they were the way they were related -- but assume for  
7 a second that what you are being told two years after  
8 the fact is exactly the way these conversations went  
9 down. So what?

10 There are reasons for people being scared to  
11 death or being, for whatever reason, not being fully  
12 responsive, not even sometimes telling the truth,  
13 knowingly not telling the truth. That does not prove  
14 the defendant did anything.

15 If the -- the issue is not what he said. The  
16 issue is what proof did they have as to what he did.  
17 And what was said and the way he looked, what his  
18 internal thought process was, which was what they  
19 were trying to present to you, anyway, not the issue.

20 I go back to Detective Parpan's notes concerning  
21 his interview of John Kane. He did a beautiful job  
22 there in the first six or seven or eight -- seven  
23 pages, I think, of his notes of the interview of  
24 Kane, making Kane look like a bloody fool also.

25 MR. BIANCAVILLA: Judge, I am going to object.

Summation - Defendant

1 THE COURT: Sustained.

2 MR. CHAMBERLAIN: The statements taken here were  
3 not ever recorded. There's no -- there's no statement  
4 actually taken from my defendant.

5 All you have is some detectives talking about  
6 some conversation they had over a period of six-plus  
7 hours, which could have been audio taped but it was  
8 not, which amounts to nothing more than an attempt to  
9 fill the gaps to support what I believe is an  
10 unbelievable statement by Mr. Kane.

11 And you have to recall that they had Kane there.  
12 If, perhaps, there had been a statement by my  
13 defendant that it was Kane, he would have been  
14 charged too.

15 They had Kane there. They had to rely on Kane,  
16 but they got no admission and they arrested my  
17 defendant based on what Kane told them.

18 Now, I believe McHugh was also asked if he had  
19 ever asked John Doe whether he supplied drugs to Ruth  
20 and he denied asking him that. He is also asked  
21 about a Ziplock bag that was taken from the victim's  
22 car.

23 MR. BIANCAVILLA: I am objecting, Judge.

24 THE COURT: Sustained.

25 MR. CHAMBERLAIN: Your Honor, my recollection

Summation - Defendant

1 is --

2 MR. BIANCAVILLA: Objection.

3 THE COURT: No colloquy.

4 Ladies and gentlemen, again, it's your  
5 recollection of the evidence that controls here. If  
6 there's something that you don't recollect, through  
7 your foreperson, send us a note and we'll have it  
8 read back to you by the court reporter.

9 MR. CHAMBERLAIN: Ladies and gentlemen, it's my  
10 recollection detective -- there was a Ziplock bag with  
11 stems and buds removed from the victim's car and  
12 Detective McHugh was asked -- that was sent to SIB and  
13 Detective McHugh was asked about those.

14 It's my recollection that he said he never got a  
15 report back from SIB with respect to that bag, the  
16 Ziplock bag of stems and buds that was taken from the  
17 victim's car.

18 It's your recollection that controls, not my  
19 recollection, as the Judge said, but that's my  
20 recollection.

21 I would like to note my objection to the  
22 district attorney's interruptions, Judge, when that's  
23 my recollection.

24 THE COURT: Please, no colloquy.

25 MR. CHAMBERLAIN: Mr. Hussain testified.

## Summation - Defendant

1 Mr. Hussain's testimony was, at best, difficult to  
2 understand. He didn't seem to know when he had seen a  
3 particular poster. He claimed he had seen it before  
4 it was issued. He didn't know what date he had signed  
5 a statement but he seemed to believe that he had seen  
6 the poster on Friday or Saturday after the murder.  
7 The poster hadn't been issued until the following  
8 week.

9 He also claims that -- he had no explanation as  
10 to why the sale that was -- that he claimed had been  
11 made had been aborted or not registered. He had no  
12 explanation as to why he had offered -- he claimed he  
13 offered condoms.

14 Why would you offer condoms to somebody out of  
15 the clear blue sky? There was no claim that there  
16 was any request for condoms. Was there -- there was  
17 no explanation as to why the condoms were not listed  
18 as something that was being sold. He said they were  
19 paid for. Where did the money go? Why wasn't it  
20 listed? When did he come up with this?

21 Some time after, if you recall, after May 5<sup>th</sup>,  
22 after the defendant's arrest on May 3<sup>rd</sup>, if in fact  
23 his statement was that he knew the victim as a  
24 regular customer, he didn't know her by name, but he  
25 knew her by sight.



## Summation - Defendant

1 He claimed a couple days after the murder on  
2 Thursday, which was the 13<sup>th</sup>, Thursday night, he knew  
3 there had been somebody murdered there and he found  
4 out it was her on Thursday or the next day on Friday.  
5 He knew who it was.

6 He also claimed he knew the defendant as a  
7 regular customer. Again, maybe not by name, but  
8 here's somebody who would come in on a regular basis.  
9 If in fact he knew this victim and if in fact he knew  
10 the person that had come in just about the time she  
11 was murdered, read the story in the papers and saw  
12 the picture in the paper, why -- if he really knew  
13 that information, he didn't somehow put it together  
14 along with the condoms after the defendant's arrest  
15 why didn't he say something to someone.

16 I had difficulty understanding Mr. Hussain. You  
17 may have understood him better than I did. I didn't  
18 understand some of things he said. I think you may  
19 have some trouble believing some of the things he  
20 said.

21 But there is no explanation as to, if in fact  
22 what he claims to have seen occurred, his not  
23 reporting that. What he claims after the detective's  
24 interview him, the statement of May 5<sup>th</sup>, would  
25 indicate something significant. Then why didn't he

## Summation - Defendant

1 report it? You have no explanation here for that.

2 Finally, ladies and gentlemen, before I get to  
3 Mr. Kane, I want to talk about Police Officer Stark.  
4 She found the body. She obviously was shook up from  
5 her testimony.

6 She was not a witness -- she did not appear to  
7 be a witness who had testified a lot of times in the  
8 past. She was convincing. She didn't seem to be  
9 telling a pat story. She was telling a story like  
10 you would tell it, if in fact that's what you recall  
11 had happened.

12 I have no question about that or about the  
13 substance of her story. You were allowed to hear  
14 part of her conversations with the defendant --

15 MR. BIANCAVILLA: Objection.

16 THE COURT: Sustained.

17 MR. BIANCAVILLA: On, I believe it was  
18 October 18<sup>th</sup> of 2000, she was called to the building  
19 complex where the defendant is the superintendent for  
20 the cooperative building. The call was concerning a  
21 prowler or somebody that had been in the basement.

22 Aside from that, the discussion concerning that  
23 incident, she told you about what the defendant told  
24 her, which confirmed the fact that he had purchased  
25 some -- purchased some beer and cigarettes and gave

## Summation - Defendant

1       them to Kane at some place in an alley. She told you  
2       also that he indicated that John Doe was providing  
3       drugs to the victim.

4             I think, based upon all of the testimony here,  
5       you have a very reasonable basis for believing that,  
6       based upon all the information that you have from  
7       John Doe, from all sources concerning him and this  
8       victim, and the issue is going to be right down to  
9       whether or not -- what you understand of that  
10      relationship and what you believe of that  
11      relationship, I think that's central to this case.

12            Whether the defendant gave him beer and  
13      cigarettes, whether he was even at that apartment is  
14      not the issue. Whether he brought something there  
15      and left it, whether he had an argument and left is  
16      not the issue. The issue is who committed this  
17      murder.

18            I want to get into Kane's testimony before I  
19      conclude here. Mr. Kane, first of all, why -- first  
20      of all, Mr. Kane's story, as I have already  
21      indicated, as to the way this allegedly went down, is  
22      not credible on its face. Somebody doesn't, just  
23      because of having been told to go home to your  
24      wife -- when somebody says go home to your fat ugly  
25      wife, somebody just doesn't go and kill somebody.

Summation - Defendant

1 That doesn't add up.

2 Mr. Kane further testified about what he did and  
3 that doesn't add up. You have to remember that  
4 Mr. Kane's testimony was not what he had told the  
5 police previously.

6 If in fact you are just a witness to a murder,  
7 number one, you try to do something about it. You  
8 try to stop it. He didn't.

9 If in fact you're there, if you can't stop it,  
10 you try to call for some help. He didn't.

11 If in fact you are just there as a witness, you  
12 don't help clean up the scene and remove evidence  
13 from the scene as he did, according to his story.

14 If in fact you are just a witness, you tell the  
15 police. You tell somebody and he didn't.

16 His claim is he walked home to his home. Now,  
17 does that make any sense to you, ladies and  
18 gentlemen? Do you believe that story? If Mr. Kane  
19 was not involved in this murder or if Kane's story  
20 about Mr. Scrimo is true, and we are not here to  
21 prove what Mr. Kane did, ladies and gentlemen, we  
22 don't have that job, we don't have that burden, and  
23 we are not assuming that burden, but if Mr. Kane's  
24 story about Mr. Scrimo were true, why didn't he do  
25 something about it? Why didn't he say something

## Summation - Defendant

1 about it? Why did he lie about it the first time he  
2 speaks to the police and he did?

3 He lied to the policeman. There's no question  
4 he lied on April 15<sup>th</sup> when he sees the police. He  
5 said the last time I saw her was -- oh, by the way,  
6 the People knew he had some relationship with the  
7 victim. They knew that they could probably tie him  
8 to the scene, so he said, yeah, in the past I have  
9 been up there, a month or so ago for oral sex. It  
10 was just oral sex. That's what he told them. That's  
11 on April 15<sup>th</sup>.

12 Then, if in fact the story that you are now  
13 asked to believe were true, why did he do that? Why  
14 didn't he say right away, yes, I was there, I was  
15 scared, he did it and I should have helped, but I  
16 didn't. He didn't do that. He lied.

17 He was asked about whether he knew a bald headed  
18 fellow, a large -- a bald headed fellow and he said  
19 no because Scrimo wasn't bald and he wasn't large,  
20 according to him. Now, Scrimo was shaved, but he  
21 wasn't bald.

22 Now, if in fact the story were true, why does he  
23 go the following Tuesday night? The murder takes  
24 place Tuesday night, early Wednesday morning,  
25 April 11<sup>th</sup>, April 12<sup>th</sup>. April 18<sup>th</sup>, the next

## Summation - Defendant

1 Tuesday, what does he do? Well, between -- between  
2 the 15<sup>th</sup> and April 18th, he goes about his normal  
3 pursuits, which I assume was going from bar to bar  
4 and doing what he does in these bars, selling drugs  
5 or just drinking.

6 MR. BIANCAVILLA: Objection.

7 THE COURT: Ladies and gentlemen, again, it's  
8 your recollection of the evidence that controls. It's  
9 not Mr. Chamberlain's or Mr. Biancavilla's  
10 recollection of the evidence.

11 MR. CHAMBERLAIN: You can determine on your own  
12 what you think Mr. Kane's normal pursuits are based  
13 upon all of the evidence here.

14 He goes about his normal pursuits, April 18<sup>th</sup>,  
15 2000, night. What does he do? He goes and plays  
16 darts all night long with Mr. Scrimo.

17 Is that the activity of somebody who was unable  
18 to stop something and then didn't tell anybody? Was  
19 that the activity of an eye witness to a murder who  
20 had no part in this or who did nothing himself? That  
21 doesn't make sense.

22 He place darts all night. He goes about his  
23 normal routine. Another week goes by, another  
24 Tuesday. It's now April 25<sup>th</sup>. What does he do? He  
25 goes and place darts all night long with Mr. Scrimo

Summation - Defendant

1 and others.

2 Ladies and gentlemen, if you had been a witness  
3 to this murder, would any of you do that? Does that  
4 make sense to you? The DA can you tell about all  
5 this other evidence, but if you ask him, and ask  
6 yourselves, is there anything that can explain that  
7 behavior?

8 Another week goes by, another week of normal  
9 activity. Finally, it's now May 2<sup>nd</sup>, Tuesday night  
10 or Tuesday afternoon. Kane is scheduled to go play  
11 darts again for the third week with Mr. Scrimo and  
12 other people, again, at the Falcon's Nest.

13 This time he doesn't get to go. He's picked up  
14 by the police. When he's picked up by the police, he  
15 is questioned for a period -- number of hours by  
16 Detective Parpan who takes the notes, and  
17 Detective McHugh. He talks about where he -- what he  
18 did. His background and his prior legal background.

19 MR. BIANCAVILLA: Objection.

20 THE COURT: Sustained.

21 MR. CHAMBERLAIN: There was testimony to that,  
22 Judge.

23 THE COURT: Sustained.

24 MR. CHAMBERLAIN: I didn't say what.

25 THE COURT: Mr. Chamberlain, I ruled. Please

Summation - Defendant

1 move on.

2 MR. CHAMBERLAIN: He tells detectives that he was  
3 a heavy drinker. He was drunk three or four days a  
4 week, drunk three or four days a week. He tells them  
5 the main bar was the Falcon's Nest, Granny's and Wild  
6 Childs and a place call the Shamrock. He was working  
7 two nights -- prior work was two months ago.

8 He then is asked about darts and he says Tuesday  
9 only. He is asked who he plays darts with and he  
10 tells them the people, including Paul Scrimo.  
11 Paul Scrimo, by the way, is not a regular. The  
12 testimony is he only goes to the Falcon's Nest, aside  
13 from the particular evening in question when Kane led  
14 him around these other places, he only goes to  
15 Falcon's Nest on Tuesday to play darts. That's what  
16 he says.

17 He calls Ruth Ruthless to the detectives. He  
18 claims at this point he's only seen her two to three  
19 times previously. To the detectives he said four or  
20 five times. He said her place the last time was four  
21 to six weeks previously. He said he had oral sex.  
22 No intercourse, oral sex only. He uses different  
23 terms which I think would be demonstrative of oral  
24 sex performed on him.

25 He then talked about some boyfriends of Ruth



## Summation - Defendant

1 Williams. He said he wasn't a boyfriend but he told  
2 the police about some of her boyfriends, a big blond  
3 guy. He indicated she was a player and that he was  
4 never seen with her in public. He was again asked  
5 about last time he saw her and he went back to it was  
6 four to six weeks beforehand. He went from Falcon's  
7 Nest on that occasion to her apartment behind the  
8 Downtown. He described it as, again, the same type  
9 of sexual activity.

10 MR. BIANCAVILLA: Objection, Judge. I am going  
11 to object to this.

12 THE COURT: Ladies and gentlemen, again, it is  
13 your recollection that controls.

14 Mr. Chamberlain, or Mr. Biancavilla, what they  
15 say is not evidence. It is what your recollection is  
16 and, again, I will tell you if there's something that  
17 you don't recollect, let us know by note and we'll  
18 have the court reporter read it back to you.

19 MR. CHAMBERLAIN: Ladies and gentlemen, as the  
20 Court has told you, this is my recollection of what  
21 Mr. Kane admitted he had told the detectives when he  
22 was questioned on May 2<sup>nd</sup> at Homicide. That she  
23 was -- it's your recollection, as the judge told you,  
24 but this is my recollection of what he testified to.

25 He testified that she was never naked. There

## Summation - Defendant

1 was no sexual intercourse, ever. He was asked  
2 whether there was any money owed by her to him or by  
3 him to her and he said -- Mr. Kane denied that.

4 He was asked on cross here whether or not he had  
5 told the detectives about any money being loaned and  
6 he said that Ross had loaned him \$50. That's what  
7 they had asked him about. Ross, I believe being the  
8 bartender at the Falcon's Nest.

9 He was asked about who had been present at the  
10 Falcon's Nest and he mentioned some names. He was  
11 then asked whether he had seen Ruth some place at  
12 about the time of the murder. He indicated -- he was  
13 asked about a big bald guy and he said he was not  
14 bald, he was not big. He just had a shaved head.

15 He then described Scrimo for the detectives as  
16 40ish, that he was a custodian, he was married with  
17 kids. He told them that he would see him only  
18 Tuesday night at darts and he had seen him two or  
19 three weeks ago and that was the first time Paul had  
20 a shaved head.

21 He repeated he was not big, he was short, he was  
22 just shaved, not tall. Tuesday night three week ago,  
23 he and Paul had been playing darts and they had gone  
24 to Granny's and he thought that Paul might have been  
25 drinking Guinness.

## Summation - Defendant

1 He was asked whether he saw Ruth at Granny's and  
2 he said he thought not. He was then asked about Wild  
3 Childs and he said that Paul was -- he was there with  
4 Paul Scrimo, there were lots of people there. He  
5 claims Ruth was already there, came over to us, they  
6 were talking, and he was then finally told you're  
7 lying. We have evidence tying you to the scene. We  
8 have Crime Scene Search Unit evidence showing you  
9 were there at the apartment at the time she was  
10 murdered.

11 Now, ladies and gentlemen, I want you to think  
12 about this because this is important. This is a man  
13 who had claimed he was witness to this murder but he  
14 hadn't done anything to stop it, a man who had never  
15 called the police, a man who had played -- gone about  
16 his normal activities for three weeks, including  
17 playing darts on two subsequent Tuesdays with the  
18 defendant, a man who had briefly been questioned by  
19 the police and lied, a man who continued to lie. He  
20 was a man who had weeks to make up a story. He was a  
21 man that had concern about his being charged here.

22 He's now being told we've got you, we've got you  
23 there, we can prove that you were there at the time  
24 of the murder. He had plenty of time to makeup a  
25 story.

## Summation - Defendant

1           What does he do? Does he say, no, I wasn't  
2           there? I'm going to continue to deny it. I saw her  
3           a week before when I had a sexual encounter with her.

4           What does he say? He says, well, what am I  
5           going to do now? He's had time to think about this.  
6           He's had weeks to think about this and what does he  
7           say? Oh, yeah, I was there, Scrimo came up, screamed  
8           stayed, Scrimo blew his stack and did the job. He  
9           comes up with a story. That's what you have here.  
10          That's what you have.

11          The scenario shows you don't have a normal  
12          witness here who says here is what I saw. You had  
13          somebody who had every reason to lie and to fend off  
14          it wasn't me, it was him. He had a patsy. He had  
15          somebody else to say did it. That's what this  
16          evidence shows. I don't care what they put in here.  
17          That's all this evidence shows.

18          As I'm saying all of this, I see clouds  
19          filtering across your faces. One of the clouds may  
20          be the defendant's not getting up there. We  
21          discussed that loud and clear on voir dire when you  
22          were selected.

23          The Court is going to tell you you may not draw  
24          any inferences, nada, nothing, from that. You can't  
25          draw any inferences from that. I can't make that

## Summation - Defendant

1 strong enough. The defendant, as I told you, might  
2 not take the stand and you can't draw any inferences  
3 from that.

4 The Court will tell you that not only can't you  
5 draw any inference, you can't even speculate. You  
6 can't even speculate as to why. You can't hold that  
7 against him. You can't put that in the equation here  
8 and say, yes, but why didn't he -- you can't do that.  
9 You have to rely on what you have.

10 That's the way the system works. It may not be  
11 perfect, but it's the best anybody's got any place.  
12 It's a system that's tried and true. You are sworn  
13 to follow the Court's instructions.

14 I've been longer than I meant to, ladies and  
15 gentlemen. I am running down and I am going to close  
16 very shortly. I appreciate the time that you have  
17 given me but I want to emphasize a few things.

18 During his cross, the defendant -- I'm sorry,  
19 during his cross --

20 THE COURT: Mr. Chamberlain, please keep your  
21 voice up. The reporter is having difficulty.

22 MR. CHAMBERLAIN: I want to emphasize one last  
23 point about the case, about the relationship between  
24 Mr. Kane, Mr. John Doe, as he admitted he was called,  
25 and the victim. He claims in his statement here that

## Summation - Defendant

1 she was coming on to him. She was kissing him. She  
2 was kissing him. She was coming on to him in the bar.  
3 She wanted something from him, according to him. He  
4 claims that he had had oral sex with her, just oral  
5 sex, whatever number of times, three, five, whatever.

6 He told you he never undressed her, and I hate  
7 to get into details, but he had never done anything  
8 that would indicate other than a mechanical  
9 perfunctory performance on him for his gratification.  
10 I don't want to go into any more detail, but I think  
11 it's clear he was not providing anything that a  
12 normal human being would want from a sexual  
13 encounter. He certainly was not providing  
14 friendship, companionship.

15 You heard the district attorney in the opening  
16 say Ruth Williams, like many people, was looking for  
17 companionship, affection. She was. That's  
18 understandable.

19 What was she getting from Mr. Kane? He never  
20 took her out, wouldn't be seen out with her, other  
21 than if he happened to meet her in the bar, according  
22 to him. That's a pretty terrible thing to say and I  
23 don't think it was justified. She apparently was a  
24 good person. She worked hard. She may have had some  
25 bad habits, but she was neat, worked hard. She

## Summation - Defendant

1 didn't hurt anybody.

2 But what was she coming on to him for? Think  
3 about that, because I think that's central to this  
4 case. If you want to believe Kane, you have to  
5 believe this victim was interested in him for some  
6 reason, was getting something from him.

7 What was she getting? What was he supplying?  
8 He never took her to a movie, show, any place, even  
9 for a drink. Never had sex with her, never did  
10 anything to gratify her. What is she looking for?  
11 What is he supplying to her?

12 You heard about -- from Stark from the mouth of  
13 the defendant, she was looking for drugs.

14 Now, I am not here to cast aspersions about this  
15 poor lady, but how do you explain the relationship?  
16 Think about that and as you think about this cast.  
17 Think about whether you want to believe Kane. Was  
18 this -- was this a -- did she like having him come up  
19 here so they could do what he said they did and not  
20 even take his pants off? Was that something that was  
21 good for her, something that she got out of this, or  
22 was there something more to this relationship?

23 If there was something more, then what happened  
24 here? Did it happen the way Kane said or did it  
25 happen because of a busted deal? Did she want some

Summation - Defendant

1 drugs? Did he owe her money? Did she -- what was  
2 she getting from him? Was there an argument about  
3 oral sex?

4 She wasn't getting anything out of this, ladies  
5 and gentlemen, what he described. She was getting  
6 nada and he was getting everything and what was he  
7 providing for that?

8 You are all -- we are all human beings. You  
9 have to think in human terms and there has to be some  
10 way to explain this.

11 Remember the admonitions you were given as  
12 jurors, remember that you will follow the Court's  
13 instructions, the burden of proof is totally on the  
14 People, totally. We assume none. We have none.

15 The proof must prove he killed, this man killed,  
16 Ruth Williams beyond a reasonable doubt, that he  
17 committed this murder. I don't think there's enough  
18 proof here to prove that. I think, if anything,  
19 there's more proof to prove that John Kane did it,  
20 more proof.

21 I think, if Scrimo had provided a statement  
22 against Kane, this would have been a cinch for the DA  
23 to prove his guilt with the physical evidence. The  
24 physical evidence is compelling. The absence of any  
25 evidence tying Mr. Scrimo is compelling.



Summation - Defendant

1 All we need, and in your sworn duty, is to use  
2 your God given common sense and find that the People  
3 have not, and I believe you will, have not proven  
4 Mr. Scrimo's guilt beyond a reasonable doubt.

5 Now the only way, as we said at the beginning --  
6 all the mountains of evidence points the other way or  
7 doesn't point either way -- the only way you can find  
8 Mr. Scrimo guilty is to implicitly believe everything  
9 Mr. Kane said, and it is not believable. His actions  
10 are not believable and he's not believable.

11 Thank you very much, ladies and gentlemen.

12 THE COURT: Ladies and gentlemen, we are going to  
13 take a break at this point.

14 Do not discuss the case amongst yourselves or  
15 with anyone else. Keep an open mind. Do not form or  
16 express any opinions until the entire case has been  
17 completed.

18 Do not read or listen to any accounts of the  
19 case should they be reported in the media. Do not  
20 visit or view any place or premises that have been  
21 mentioned.

22 You are not to permit any party to discuss the  
23 case with you or attempt to influence you, and you  
24 must promptly report to the Court any violation  
25 thereof.

Summation - People

1 We'll be back with you shortly, ladies and  
2 gentlemen

3 (Whereupon, the sworn jurors exited the  
4 courtroom.

5 (Whereupon, a brief recess was taken.)

6 THE CLERK: Both sides stipulate all sworn jurors  
7 are present and seated properly?

8 MR. BIANCAVILLA: Yes.

9 THE CLERK: Mr. Chamberlain?

10 MR. CHAMBERLAIN: I'm sorry. Yes.

11 THE CLERK: Thank you.

12 THE COURT: We are ready for the People's closing  
13 argument now. Mr. Biancavilla?

14 MR. BIANCAVILLA: Thank you, your Honor.

15 May it please the Court, ladies and gentlemen of  
16 the jury. Good afternoon.

17 What you have just seen and heard by  
18 Mr. Chamberlain is the final act, or the last act, of  
19 a very desperate man because this case is about  
20 Paul Scrimo and what this evidence has shown  
21 throughout this trial is that Mr. Scrimo has been  
22 trying to get out from under this murder, trying to  
23 find a way to distance himself from this case from  
24 the day the murder began.

25 The closing argument by Mr. Chamberlain was no

## Summation - People

1 less than an attempt to continue the charade that  
2 began --

3 MR. CHAMBERLAIN: Objection.

4 MR. BIANCAVILLA: -- the night Ruth Williams was  
5 murdered.

6 THE COURT: Sustained as to charade.

7 MR. BIANCAVILLA: Now, you may ask, what do I  
8 mean? Mr. Chamberlain couched his closing argument.  
9 He said it's his recollection that controls in terms  
10 of what the evidence is in terms of what he was trying  
11 to explain to you.

12 MR. CHAMBERLAIN: Objection. I didn't say that.

13 THE COURT: Mr. Chamberlain, just make an  
14 objection.

15 Overruled.

16 MR. BIANCAVILLA: And as an example of what I am  
17 talking about, he has to think that none of you  
18 sitting in this jury box was paying much attention to  
19 this trial or none of you in this jury box are very  
20 bright.

21 As an example of what he tried to do throughout  
22 this trial and closing argument are some of the  
23 things he did in his closing argument, for example,  
24 the first one that came to my attention -- and I'm  
25 sure it came to your attention because I saw that all

## Summation - People

1 of you were paying very close attention to the  
2 testimony -- the testimony of Tom Hartman, he aptly  
3 pointed out to you that Mr. Hartman came into the  
4 courtroom and was unable to identify Mr. Scrimo as  
5 the man that was in the bar that night.

6 Mr. Hartman truly was unable to identify  
7 Mr. Scrimo as the man that was in the bar that night,  
8 but what he neglected to tell you was that  
9 Mr. Hartman, on May 3<sup>rd</sup>, picked out Mr. Scrimo from  
10 the lineup that he saw on May 3<sup>rd</sup>.

11 Yes, Mr. Scrimo does not look the same as he did  
12 when he sat in this lineup because we know that on  
13 the night of the murder Mr. Scrimo looked like that,  
14 and as you can see, ladies and gentlemen.  
15 Mr. Scrimo's appearance has changed considerably from  
16 the night of the murder to as he sits here today. I  
17 would ask you to remember that and consider that.  
18 Think about whose benefit is that for.

19 He mentions Mellisa Notarnicola, how she just  
20 saw him in the bar. But he neglected to complete her  
21 testimony and tell you that Mellisa Notarnicola was  
22 the witness that said Paul Scrimo and Ruthy Williams  
23 were going at it on right side of the bar.

24 But the best, the best is the testimony of  
25 Doctor Manning. He tells you that the toxicology

## Summation - People

1 report of Ruthy Williams showed that there was no  
2 cocaine in her system. Then he says that doesn't  
3 mean anything because, you heard Doctor Manning,  
4 Doctor Manning says that cocaine only stays in your  
5 system for 48 hours. And then, with a straight face,  
6 he tells you that it doesn't mean anything because  
7 the autopsy wasn't done until Friday, and that, if  
8 cocaine only stays in your system for 48 hours, he  
9 argues to you, that it doesn't mean anything because  
10 it was gone by Friday.

11 Think about that argument. Ladies and  
12 gentlemen, Ruth Williams was dead and Doctor Manning  
13 told you it takes 48 hours when you are alive to  
14 process --

15 MR. CHAMBERLAIN: Objection.

16 THE COURT: Ladies and gentlemen, it's your  
17 recollection of the evidence that controls.

18 MR. BIANCAVILLA: -- cocaine to get out of your  
19 system. One your dead, you are not eliminating  
20 anything else out of your system.

21 Ladies and gentlemen, remember that when you are  
22 thinking about the arguments that Mr. Chamberlain is  
23 trying to make here regarding the evidence.

24 With respect to whether or not Mr. Scrimo was  
25 advised of his rights, at one moment he's telling you

## Summation - People

1 he knows Detective Dempsey and he gave him his  
2 rights, then he got his rights, and Detective Dempsey  
3 doesn't need to use a rights card because Dempsey has  
4 been around for 30 some years and Dempsey knows the  
5 rights by heart, and in the same breath he argues  
6 that at the same time he wasn't advised of his  
7 rights.

8 What do you think that's about? That's trying  
9 to get you to chase a red herring, ladies and  
10 gentlemen. That's not there. That's just an attempt  
11 to create issues that are not there, and that's an  
12 attempt to get you not to focus on what the evidence  
13 in this case is and what the evidence in this case  
14 shows.

15 Now, don't think you're something special here,  
16 because Mr. Scrimo thought the police who  
17 investigated this case were stupid. So don't think  
18 there's something special when they try to pedal  
19 these arguments now, because what they were hoping  
20 and what he was hoping, that the police would bite on  
21 some misdirection and some bait he threw out there  
22 trying to point the police in different directions  
23 and that's no different than what they are trying to  
24 do now.

25 I suggest to you that the police were not fooled

Summation - People

1 by this charade and I'm confident that you will not  
2 be fooled by his charade.

3 MR. CHAMBERLAIN: I object to these improper  
4 comments, Judge.

5 THE COURT: Sustained as to charade.

6 MR. BIANCAVILLA: In a little while we are going  
7 to go over the evidence and I'll probably take about  
8 40 minutes. I am going to take the evidence in this  
9 case, ladies and gentlemen, and we are going to turn  
10 it upside down and inside out and you're going to look  
11 at it and I suggest to you when you are done turning  
12 it upside down and turning it inside out, it's all  
13 going to point to that man, the killer of Ruth  
14 Williams.

15 Before I do that, I want to thank you for  
16 participating as jurors in this case. We've taken  
17 you away from your businesses. We have taken you  
18 away from your daily routines and we've asked you to  
19 come and sit here and now we are into almost the  
20 third week of trial. I appreciate your attentiveness  
21 during the course of the trial and just ask you  
22 continue to be attentive just a little longer while I  
23 make my final remarks.

24 Witnesses, let me talk about witnesses for a  
25 moment. I am not going to go through each and every

Summation - People

1 one because I think, basically, what's important  
2 about witnesses is that you understand, first of all,  
3 that we have no control over our witnesses. We take  
4 our witnesses as we find them.

5 I would think that, using common sense, if you  
6 are talking about a murder that occurred at 4:30 in  
7 the morning and your witnesses are people whose lives  
8 revolve around darts and going from bar to bar,  
9 you're going to have some characters.

10 But you don't let them get away with murder  
11 because it happened at 4:30 in the morning and you  
12 don't let a guy get away with murder because some of  
13 the witness' memory may be fuzzy because it was the  
14 result of a night of drinking.

15 What I mean is this. I would love to have been  
16 able to stand up here during this trial and call as  
17 my witness Colin Powell, Colin Powell, and put him in  
18 that witness stand and have him describe to you what  
19 happened that night. Think about it.

20 Could you imagine if I put Colin Powell on this  
21 witness stand and he was able to describe for you how  
22 they were at Y.L. Childs, Colin Powell, John Kane,  
23 Ruthy Williams and Paul Scrimo, and how they were  
24 drinking together and how they went back to Ruth's  
25 afterwards and Scrimo made the run to 7-Eleven.



Summation - People

1 Colin Powell, he's the picture of credibility.  
2 But that's not reality, ladies and gentlemen. We  
3 take our witnesses as we find them.

4 By the way, I understand he wasn't available for  
5 Tuesday night for darts, which is why he couldn't be  
6 here, but this is what I am talking about. We take  
7 our witnesses as we find them. We don't try to stage  
8 anything here, ladies and gentlemen. We give them to  
9 you as we get them.

10 John Kane is a classic example. John Kane came  
11 in here, his hair, as you saw, was as long as it was  
12 when this murder was committed. John Kane still had  
13 that beard growing down the middle of his chest, the  
14 same as it was when this incident happened.

15 Mr. Chamberlain kept asking the witnesses what  
16 Mr. Kane looked like at the time he was being  
17 interviewed or at the time he was being questioned by  
18 the police. What did he expect, that he was going to  
19 be different here today? Did he expect us to stage  
20 something and have him dressed up in a suit and tie,  
21 all shaven? We are not here to stage anything,  
22 ladies and gentlemen.

23 What you should really begin to wonder about is  
24 what they are trying to do here because this is not  
25 the Mr. Scrimo of April 11<sup>th</sup>, 2000, and just because

Summation - People

1 you walk around in a suit and tie and have a  
2 briefcase, that doesn't make you any less of a  
3 killer.

4 So when Mr. Chamberlain, during jury selection,  
5 said don't judge a book by its cover, what I am  
6 suggesting to you is don't judge that book by its  
7 cover.

8 The police, Mr. Chamberlain made various  
9 comments about the police, about the police  
10 investigation, how you can't believe the detectives  
11 because the conversations that they had with  
12 Mr. Scrimo weren't taped recorded. They must be  
13 making this up. Everybody is getting together here  
14 and trying point the finger at poor Paul Scrimo,  
15 Meghan Clement from LabCorp, all the detectives,  
16 Mohammed Hussain.

17 That's right. Believe that, ladies and  
18 gentlemen, everybody got together over a slurpee over  
19 at 7-Eleven with Mr. Hussain and are trying to frame  
20 Mr. Scrimo for this murder.

21 Think about how ridiculous that is. If the  
22 police were going to fabricate a statement that was  
23 not recorded by Paul Scrimo, don't you think they  
24 could have done better than what they did? If they  
25 are going to make something up, why not come on in

Summation - People

1 here, get on the stand and say he confessed, he told  
2 us he killed Ruth William?

3 You would think two homicide detectives who have  
4 over 50 years experience combined would do that, if  
5 in fact they wanted to come in and lie, not come in  
6 and give you a verbatim description of a conversation  
7 they had.

8 So remember that, ladies and gentlemen, you're  
9 going to use everyday life experiences when you are  
10 judging somebody's credibility. I'm sure you would  
11 agree, if they were going to make something up, they  
12 could have done better than that.

13 Let's take it a step further. If they wanted  
14 just to close out this murder and they wanted to just  
15 move on, why the heck didn't they just hang it on  
16 John Kane? Think about it.

17 John Kane's DNA under the fingernails.  
18 John Kane's fingerprint is on the CD, and, as  
19 Mr. Chamberlain told you in his opening statement,  
20 John has that long hair and beard. He's that hippie  
21 type. He lives that dirty hippie lifestyle and you  
22 can't trust him. Those were Mr. Chamberlain's words  
23 in his opening statement.

24 Think about it. If McHugh and Parpan just  
25 wanted to close the case, hey, hang it on Kane and

## Summation - People

1 let's move on. Would it have made there lives  
2 easier. It sure would have made my life easier.

3 The problem with that is, in trying to hang this  
4 on Kane, none of other evidence makes any sense.  
5 We'll talk about that because, if you are trying to  
6 hang this murder on Kane, nothing else makes sense.

7 His only hope, ladies and gentlemen, his only  
8 hope at this trial is to convince you that the only  
9 evidence that we have points to John Kane and he  
10 keeps telling you that. He reminded you of that.

11 He told you for two hours in his closing  
12 argument that the only evidence in this case points  
13 to John Kane, the DNA under the fingernails, the  
14 fingerprints on the CD, John Kane said he was up in  
15 the apartment, there's no DNA of Mr. Scrimo in the  
16 apartment, there's no fingerprints of Mr. Scrimo in  
17 the apartment. And, you know what? You can't  
18 believe Kane because Kane is one of those dirty  
19 hippies.

20 Well, I got a news flash for Mr. Scrimo, just  
21 because there's no fingerprints in the apartment  
22 doesn't mean that we can't prove he murdered Ruthy  
23 Williams and killers have been convicted of murder,  
24 ladies and gentlemen, long before the advent of DNA.  
25 And as you will see there's evidence in this case

## Summation - People

1 that's as good as DNA and as good as fingerprints,  
2 and he left it all over this case. You're going to  
3 see what that it is in a minute.

4 Wouldn't it be great, wouldn't it be great if we  
5 had Paul Scrimo's DNA on Ruthy Williams or the cord  
6 that he strangled her with? Wouldn't it be great if  
7 we had his fingerprints?

8 But you know what? Then you would have another  
9 story about how the fingerprint got there. Then you  
10 would have another story about how the DNA got there  
11 because throughout this case and throughout the  
12 police investigation, all you heard was, let's see  
13 what evidence the police have and then let's make up  
14 a story to cover. That's what has happened here.

15 And by the time we are done here, it's going to  
16 be clear to you how that was done. He did it from  
17 the beginning and he did it right up to this closing  
18 argument, so I think it's important that when we look  
19 at this evidence, we start with the statements that  
20 he gave to the police and you judge for yourselves,  
21 whether he is making it up as he goes along depending  
22 upon the evidence that he thinks that we have.

23 You have the luxury, ladies and gentlemen, of  
24 sitting back now and reviewing his explanation and  
25 you have the luxury of sitting back and reviewing his

Summation - People

1 explanations in the context, in the context of the  
2 murder investigation. When you're reviewing his  
3 explanation, what I am asking you to do is to  
4 determine whether or not what he is telling the  
5 police is reasonable or unreasonable.

6 I want to take you back to jury selection when I  
7 spoke to each one of about being a subway token  
8 clerk. I want each one of you, when you are  
9 reviewing whether or not his explanations are  
10 reasonable or unreasonable, think back in your mind  
11 to that example I gave you.

12 Remember, you are a subway token clerk. You are  
13 going down into the subway on a beautiful sunny day  
14 like today at lunch time. All of a sudden you see  
15 people coming down into the subway. They are all  
16 wet. They have on rain coats and they have  
17 umbrellas. You have one person coming up to you and  
18 saying the reason why everyone is wet and has rain  
19 coats and umbrellas is because it's raining out.  
20 Then you have another person coming up to you and  
21 saying the reason why everyone has umbrellas and rain  
22 coats is because a street sweeper went by and  
23 splashed water on them.

24 I think it's clear. Using your everyday God  
25 given common sense, one explanation is reasonable,

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1 the other is not reasonable. When you are looking at  
2 statements of Mr. Scrimo, determine whether they are  
3 reasonable or unreasonable.

4 If they are unreasonable, and common sense tells  
5 you they are unreasonable, then it is a logical step  
6 for you to conclude he's lying.

7 Now, the next step is, once you determine he is  
8 lying, then you determine why he's lying. Now, if he  
9 had nothing to hide regarding the murder of Ruth  
10 Williams, why would he be lying? There's no  
11 explanation for that, ladies and gentlemen.

12 When you are looking at his answer, using that  
13 test, if he is lying, he's hiding something. And I  
14 suggest to you that the evidence in this case is  
15 going to prove to you beyond a reasonable doubt that  
16 he is lying because he murdered Ruth Williams.

17 Now, you are going to be looking at three  
18 statements, two interviews conducted by police  
19 officers in this case, ladies and gentlemen, and one  
20 interview which wasn't really an interview because  
21 Mr. Scrimo called the police to his residence for a  
22 particular purpose. You are going to be looking at  
23 the first two interviews, one which occurred on  
24 April 20, one which occurred on May 3<sup>rd</sup>.

25 Now, I want you to think about something when

## Summation - People

1 you are thinking about those interviews. Both the  
2 May 3rd interview and April 20<sup>th</sup> interview were  
3 conducted by experienced detective, experienced  
4 homicide detectives.

5 Remember this, the object of a question is to  
6 obtain information that matters to you. The object  
7 of a question asked by a homicide investigator when  
8 they are interviewing someone is to obtain  
9 information that matters to them in connection with  
10 the investigation.

11 There are times when information is given or  
12 questions are asked of suspects just to see what  
13 their reaction will be because that's what you do  
14 when you are a homicide investigator.

15 Ladies and gentlemen, to a certain extent, you  
16 do it in your everyday lives. You have all had  
17 experiences when you questioned people or have spoken  
18 to people who you believe were not telling the truth.  
19 You know when someone is not telling the truth. You  
20 know when someone is being evasive. You know when  
21 someone is trying to back pedal when they are backed  
22 into a corner.

23 This is everyday life experience, ladies and  
24 gentlemen. We have all done it. Homicide  
25 investigators just do it more often because they are



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1 dealing with people every day in connection with the  
2 investigations of murders.

3 So think about that when you are thinking about  
4 the purpose of their questions. When they question  
5 somebody, they listen to the response. They make  
6 note of the response. You recall Detective McHugh  
7 made note of the responses when he interviewed  
8 Mr. Scrimo on April 20<sup>th</sup>.

9 Detective Parpan made note of the responses and  
10 reactions to the questions when the interview was  
11 conducted on May 3<sup>rd</sup>.

12 Why? Because the manner in which a person  
13 responds and the reaction to the question is very  
14 important in terms of determining whether or not  
15 someone is telling the truth or someone is telling a  
16 lie. You know it ever day.

17 Listen to the description that Detective Parpan  
18 gave you regarding some of the responses Mr. Scrimo  
19 gave him. You know when someone is telling a lie.  
20 They can't look you in the eye and talk to you. You  
21 know when someone is telling a lie and needs to think  
22 about what the answer is. They look down.

23 These are normal everyday responses, ladies and  
24 gentlemen, that common sense tells you people's  
25 reactions are when they are lying. Detective Parpan

## Summation - People

1 and Detective McHugh were just explaining to you what  
2 those reactions were when Mr. Scrimo was having a  
3 conversation with them, and those conversations and  
4 those reactions both Detective McHugh and  
5 Detective Parpan made notes on.

6 So you listen to the conversations and think  
7 about the testimony that you heard regarding the  
8 statements that Mr. Scrimo made and you determine  
9 whether or not you would reach the same conclusion as  
10 Detective Parpan and McHugh and that is that he was  
11 lying.

12 MR. CHAMBERLAIN: I am going to object, Judge.

13 THE COURT: Ladies and gentlemen, I will charge  
14 you with respect to the law, with respect to what  
15 factors you can consider when determining credibility  
16 of any particular person.

17 MR. BIANCAVILLA: Now, let's talk about the  
18 April 20<sup>th</sup> interview. That's a very important  
19 interview and it's important for several reasons.

20 It's important because Detective McHugh, it's  
21 important because, Mr. Scrimo's first contact with  
22 the police, it's important because Detective McHugh  
23 made note of Mr. Scrimo's appearance when he came in  
24 for that interview, and what's important is what he  
25 does say on that particular day, but what's most

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1 important is what he doesn't say on that particular  
2 day.

3 Here is the first contact. At 4:00 p.m. on  
4 April 20<sup>th</sup>, Mr. Scrimo sees Detective McHugh and  
5 Detective Cole walking in the Village of Farmingdale.  
6 At this point on the 20<sup>th</sup>, he knows, he knows that  
7 the police are looking for him because he had that  
8 information from the Tuesday night dart game on the  
9 18<sup>th</sup> when he was told that Detective McHugh wanted to  
10 speak to him about this particular incident.

11 At 4:10 on April 20<sup>th</sup>, 4:10 in the afternoon, he  
12 calls the Nassau County Homicide Squad and gets  
13 Detective Parpan on the phone and he says to  
14 Detective Parpan that I heard from the bar that  
15 Detective McHugh was looking for a big bald guy and  
16 I'm a big bald guy.

17 Detective Parpan says, well, so am I.  
18 Mr. Scrimo says, yeah, but I'm the big bald guy that  
19 goes to that bar. Detective Parpan says let me have  
20 your phone number. Mr. Scrimo said I have nothing to  
21 add. Detective Parpan tells him that I'll have  
22 Detective McHugh get in touch with you.

23 A short time later McHugh calls Mr. Scrimo at  
24 his home and says he would like to speak with him,  
25 can he come over. Mr. Scrimo tells him no, my wife

## Summation - People

1 is coming home soon, It's not a good time.

2 So Detective McHugh tells him we are right  
3 behind Captain Andy's where the command post is. And  
4 Mr. Scrimo says I'll come over and talk to you there.

5 What is the significance of that first contact,  
6 ladies and gentlemen? Think about it. His call to  
7 Detective Parpan was ten minutes, ten minutes after  
8 he sees McHugh and Cole on Main Street in  
9 Farmingdale.

10 He knew that Detective McHugh was looking for a  
11 big bald guy. He knew that Detective McHugh spotted  
12 him walking northbound on Main Street because  
13 Detective McHugh told you they made eye contact when  
14 they passed each other on Main Street. He knew that  
15 it would only be a matter of time before the police  
16 would get to him.

17 Remember what Detective McHugh told you. They  
18 had canvassed the bars the night of the murder. They  
19 had gone back and canvassed the bar after the body  
20 was found on the 14<sup>th</sup>. They had spoken to Francine  
21 Quinn on the 14<sup>th</sup> and she told him that she had seen  
22 her with a big bald guy with tattoos and John Kane.

23 The next Tuesday night, after the body was  
24 found, was dart night and that's, presumably, the  
25 first time Mr. Scrimo found out that the police were

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1 looking for him.

2 MR. CHAMBERLAIN: Objection, Judge, to  
3 presumably.

4 THE COURT: Sustained.

5 MR. BIANCAVILLA: He doesn't call the police on  
6 the 18<sup>th</sup>. He doesn't call the police on the 19<sup>th</sup>. It  
7 isn't until the 20<sup>th</sup> that he sees Detective McHugh on  
8 Main Street that he calls him.

9 Now, think about that. Think about that and  
10 this is why. He is setting up a charade.

11 MR. CHAMBERLAIN: I would object to that.

12 MR. BIANCAVILLA: Judge, charade is fair comment  
13 on the evidence and fair response to Mr. Chamberlain's  
14 arguments.

15 MR. CHAMBERLAIN: Not at all, Judge, not that  
16 characterization.

17 MR. BIANCAVILLA: I can characterize this case  
18 and what they presented any way I want, Judge.

19 MR. CHAMBERLAIN: Judge, he's commenting on his  
20 operation of --

21 THE COURT: No. No. Mr. Chamberlain.

22 I'll permit the assistant district attorney to  
23 go forward.

24 MR. BIANCAVILLA: Thank you, Judge.

25 He is setting up a charade, ladies and

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1 gentlemen, a charade that he's going to call into  
2 play at another conversation. When he's interviewed  
3 on May 3<sup>rd</sup> after his arrest, he is trying to keep a  
4 step ahead of the police.

5 He had set up his charade on April 20<sup>th</sup> and when  
6 they arrested him and brought him in, what did he  
7 say? What did he say? Hi, guys, you got the wrong  
8 guy, don't you remember I came to you, you didn't  
9 have to come to me, I tried to help you out.

10 That's when Parpan first said to him you didn't  
11 come to help us, The only reason why you called us  
12 was because ten minutes earlier you saw McHugh on  
13 Main Street and you knew that we had information  
14 linking you to Ruth Williams, You knew that we were  
15 looking for a big bald guy with tattoos, so don't  
16 come in here and tell us, hey, guys, I tried to help  
17 you, I came to you. You didn't come to us first.  
18 You only came to us when you knew we were about to  
19 come to you.

20 That ladies and gentlemen, is important because  
21 that's just the first of several times when  
22 Mr. Scrimo tries to back pedal and tries to cover  
23 himself and that's just the first one.

24 When he walked into the command bus behind  
25 Captain Andy's, Detective McHugh made note of his

## Summation - People

1 appearance. He was wearing a long sleeved shirt,  
2 none of his tattoos were showing, and he was wearing  
3 a pair of black jeans.

4 This is what he tells Detective McHugh about his  
5 knowledge of Ruth William. He said he saw Ruth at  
6 Y.L. Childs on Tuesday night at about 2:00 a.m. He  
7 said his wife is just now getting over being mad at  
8 him for staying out so late, that he knew Ruth for  
9 about two years from the Falcon's Nest. He said he  
10 knew her as Ruth or Ruthless, that he thought she was  
11 nice looking and thought she looked younger than her  
12 actual age. He had a friend, Keith Nelson, who told  
13 him she was into Pagans, witchcraft and turning  
14 tricks up in the apartment. He didn't even know she  
15 lived above Captain Andy's. By the way, he said his  
16 kids go to a nursery school next to Captain Andy's.  
17 He spoke to Ruth at Y.L. Childs for about ten minutes  
18 and he doesn't remember what he talked to her about.

19 That's what he told Detective McHugh about his  
20 knowledge of Ruth Williams and seeing her on Tuesday  
21 night, April 11<sup>th</sup>, the night of the murder. That's  
22 everything he told him about his knowledge and  
23 contact with Ruth Williams.

24 He went on and told them that on Tuesday night he  
25 had played darts at the Falcon's Nest. It went from

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1 8:00, 8:30, to midnight. He gave names of the people  
2 on the dart team. He said he was drinking absolute  
3 and seltzer because of the Atkins diet. He told  
4 Detective McHugh, I'm a nonsmoker. He said he went  
5 to Granny O'Shea's for one beer, didn't know anyone  
6 there, then he went to Y.L. Childs about 2:00 a.m..

7 He also told Detective McHugh he was the only  
8 big bald guy with tattoos in Y.L. Childs at that time  
9 in the morning and the only people he knew there in  
10 Y.L. Childs was Ruth and some tomato with a spike in  
11 her lower chin that he shot darts with. Those are  
12 the only people he said he knew at Y.L. Childs on the  
13 morning of April 12<sup>th</sup>.

14 He said he spoke to Ruth for ten minutes,  
15 doesn't remember what they talked about, that he left  
16 Y.L. Childs at 3:00 a.m., walked straight down Main  
17 Street and went straight home, didn't see anyone on  
18 the street.

19 That was what he told Detective McHugh regarding  
20 Tuesday night and then he made the comment, gee, I  
21 wish I could help more, but who knew she would go  
22 home and get herself killed.

23 Think about that. He said he wished he could  
24 help more but who knew she would go home and get  
25 herself killed.



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1           At the end of the interview, Detective McHugh  
2 goes into his file and pulls out a picture and shows  
3 it to him. This is the picture Detective McHugh  
4 showed. He said, hey, by the way, did you ever see  
5 this person before?

6           Now, you know what direct McHugh was doing at  
7 this point, ladies and gentlemen. This is the point  
8 of the interview when he wants to see what the  
9 reaction is, what information, if he throws some bait  
10 out, what comes back.

11           This, ladies and gentlemen is bait and think  
12 about what Mr. Scrimo's response is when he shows him  
13 the bait. He says, yeah, I know that guy. He's a  
14 drug dealer, regular in town, he used to live above  
15 the Shamrock. That's what he tells McHugh just  
16 before he walked out the door, and he knows this guy,  
17 he's a drug dealer in town, and he lives above the  
18 Shamrock. Then he leaves.

19           At 5:50 in the afternoon, Detective Parpan gets  
20 a call and who is it? Paul Scrimo. He says, you  
21 know, McHugh, you showed me a picture and I just  
22 remember where I saw that guy, I see him every  
23 morning. We are on same schedule. I see him every  
24 morning at the same spot when I'm taking my kids to  
25 school or I'm going to Home Depot. As a matter of

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1 fact, at nine o'clock in the morning you can find  
2 that guy at a particular corner in the Village of  
3 Farmingdale. So they make note of that.

4 Now, think about something just for a moment.  
5 If that was really true, if that was really true, why  
6 wouldn't he say something to Detective McHugh when  
7 Detective McHugh showed this to him. If he actually  
8 saw this guy every morning when he went to Home Depot  
9 and dropped his kids off at school, why hadn't he  
10 told McHugh when he showed him that, or was this  
11 something he came up with as he was walking home,  
12 trying to point the police in another direction,  
13 trying to make Jeff Johnson the fall guy for this  
14 murder.

15 Just consider that, ladies and gentlemen, and  
16 does that also fit into the sham and the charade,  
17 hey, I tried to help you catch this guy, I told you  
18 about Jeff Johnson.

19 Then think about John Kane. What did John Kane  
20 tell you about this guy? Remember that second  
21 Tuesday, the 25<sup>th</sup>, two weeks after the murder where  
22 John Kane says that after darts Mr. Scrimo says don't  
23 worry about anything, keep your mouth shut, they are  
24 looking for a black guy who had an argument with Ruth  
25 behind the apartment.

Summation - People

1           How could John Kane know, ladies and gentlemen,  
2           that Mr. Scrimo was shown this mug shot during the  
3           course of his interview? How would John Kane know to  
4           say that if it wasn't true?

5           Don't worry about anything, they are looking for  
6           some black guy, just keep your mouth shut, that was  
7           what John Kane told you that Mr. Scrimo said to him  
8           on the 25<sup>th</sup>.

9           Also think about what he doesn't tell the  
10          police, ladies and gentlemen, during that April 20<sup>th</sup>  
11          interview. He doesn't tell the police that in the  
12          early morning hours of April 12<sup>th</sup> he's going from bar  
13          to bar with John Kane. He doesn't tell them he's  
14          hanging out at Y.L. Childs with Ruth and John Kane  
15          for nearly two hours. He doesn't tell them that he's  
16          leaving at 4:00 a.m. and after closing. He doesn't  
17          say anything about kissing Ruth at the bar. He  
18          doesn't say anything about leaving the bar with  
19          John Kane. He doesn't say anything about leaving the  
20          bar with Ruth and John Kane and walking down Main  
21          Street. He doesn't say anything about stopping at  
22          7-Eleven. He doesn't say anything about getting  
23          beers and cigarette.

24          Now, are these facts about the night, ladies and  
25          gentlemen, that could have been easily forgotten, or,

## Summation - People

1 are they not being revealed by Mr. Scrimo because  
2 he's try to distance himself from Ruth Williams and  
3 he's trying to distance himself from John Kane?

4 Think about something, ladies and gentlemen.  
5 Later on in the interview process, he's going to try  
6 and backtrack. He's going to try and cover himself  
7 for not mentioning those names because he knows what  
8 the significance was. He knows he gave them the bare  
9 amount of information because at that point he didn't  
10 know what they knew and once he started finding out  
11 what they knew, then he tries to change his story,  
12 then he tries to backtrack and cover his initial  
13 statements and you'll see how that happens.

14 Another observation that Detective McHugh made  
15 when he walked into the command bus that day was that  
16 black pouch that that leatherman tool was in. That  
17 black pouch was on his belt on his waist when he came  
18 in for that particular interview on April 20<sup>th</sup> and  
19 Detective McHugh made note of it when he walked in.

20 Now, think about something. He was wearing that  
21 on his belt when he came in for his interview on  
22 April 20<sup>th</sup>. That's the same one he was wearing on  
23 the night he was arrested. He was arrested coming  
24 from darts on Tuesday night. It's fair to say that  
25 Mr. Scrimo always wore that because every time he was

## Summation - People

1 observed by the police and on the night he was  
2 arrested, he was wearing it on his belt. Where was  
3 he coming from on the night he was arrested? He was  
4 coming from darts and he had it on his belt.

5 May 3<sup>rd</sup>, as he's coming home from darts, he's  
6 arrested by Detective Cereghino and Detective Cole.  
7 They put him in the back of Detective Dempsey's car.  
8 He is given his rights by Detective Dempsey in the  
9 car.

10 And remember what Detective Cerenghino said when  
11 he arrested him, he took that black pouch off of him  
12 and put it into property for scientific evaluation.

13 Now, during the interview -- the car ride to  
14 police headquarters, he's given his rights by  
15 Detective Dempsey. He gets to police headquarters  
16 and he's interviewed by Parpan and McHugh.

17 The first thing they do with him is that they  
18 confirm the fact that he was given his rights and  
19 that he wanted to speak to them without an attorney.  
20 He agreed to that and he did that. He agreed to talk  
21 to them.

22 Now, they asked him what about Tuesday night  
23 into Wednesday morning? Tell us what happened, and  
24 now, when he is confronted with other evidence, how  
25 does he react? When he's confronted at the end of

## Summation - People

1 the interview about John Kane, we've got John Kane --  
2 remember what Detective Parpan told you that he told  
3 Mr. Scrimo, you know, when more than one person  
4 knows, it's not a secret. When he's confronted, what  
5 does he say? Well, ask John, John knows where we  
6 were.

7 What do Detective Parpan and Detective McHugh  
8 say to him? Wait a minute, wait a minute, you never  
9 told us about any John before, who is John?

10 You know, John is the guy I played darts with, I  
11 told you we were out all night together. And they  
12 said you never told us about John. What's with John?

13 Then they confront him with testimony regarding,  
14 or information they had about what he was seen doing  
15 at Y.L. Childs. You know, we have got witnesses,  
16 Mr. Scrimo, telling us that there was some light  
17 sexual contact between you and Ruth at the bar. Uh,  
18 uh, uh, yeah. Mr. Scrimo, you know, we have  
19 witnesses who say you were making out with Ruth at  
20 the bar. Well, she just kissed me on the cheek. No,  
21 we have a witness who said you were really going at  
22 it at the bar. Well, I don't remember. I was drunk.

23 Think about that. What do you think that  
24 response is all about? Then he says, well, I went  
25 straight home at 3:00 a.m.. They said are you sure

## Summation - People

1 you went straight home? Yeah, yeah, I went straight  
2 home at 3:00 a.m.. Did you stop anywhere? No, I  
3 didn't stop anywhere. You know, Mr. Scrimo, these  
4 stores that are open late at night, you know, they  
5 have security cameras, they have videotapes. All of  
6 a sudden, yeah, maybe I did stop at 7-Eleven. Well,  
7 what were you doing at 7-Eleven? What time did you  
8 go to 7-Eleven? You know what, maybe it was much  
9 later than three o'clock.

10 And that was only after Detective Parpan told  
11 him, you know, those security cameras they have time  
12 on it and that response was, well, maybe it was much  
13 later than three o'clock, maybe I stopped there.  
14 Well, what did you stop there for? Cigarettes and  
15 beer. Well, you don't smoke what do you need  
16 cigarettes for? Well, sometimes I do. You just were  
17 out drinking all night. What do you need beer for?  
18 Well, you know, I'm a drunk, I do that. Well, what  
19 kind of cigarettes did you buy? It's not important,  
20 It's not important. Yes, it is. What kind of  
21 cigarettes did you buy? It's not important. What  
22 kind of beer did you by? Not important. It really  
23 is important Mr. Scrimo. No, it's not important.

24 Think about those comments, ladies and  
25 gentlemen. Think about his comments to

Summation - People

1 Detective Cerenghino when Detective Cerenghino goes  
2 in. You know, Mr. Scrimo, you keep telling  
3 Detective Parpan you're a drunk, you have blackouts,  
4 you don't remember, isn't it possible that you went  
5 up to Ruth Williams's apartment that night? He said,  
6 well, I guess it's possible.

7 Then Cerenghino says, you know, we know you were  
8 up in that apartment that night because we got  
9 John Kane. No. No. I wasn't up there. I  
10 definitely would have remembered that.

11 Think about that, ladies and gentlemen. Now,  
12 understand something, he knows at that point how  
13 devastating all these inconsistencies are. He knows  
14 at that point how devastating all these lies are and  
15 that's why we have the October 18<sup>th</sup> charade.

16 MR. CHAMBERLAIN: I object to what he knows and  
17 the comments, Judge.

18 THE COURT: Overruled.

19 MR. BIANCAVILLA: That's why we have the  
20 October 18<sup>th</sup> charade after he is released on bail,  
21 after he's out there. That's what the October 18<sup>th</sup>  
22 charade is about.

23 And what's the October 18<sup>th</sup> charade? You heard  
24 Police Officer Stark testify. She was the police  
25 officer who originally went to the scene. Then on



## Summation - People

1 October 18<sup>th</sup>, 2000, she gets a call to respond to a  
2 disturbance at 25 Elizabeth Street, Elizabeth Gardens  
3 where Mr. Scrimo works.

4 She says she pulls up in front of the place and  
5 responds to that call and she see this man. He walks  
6 out of the place, throws his hands in the air and  
7 says, I'm Paul Scrimo, I didn't do it, you know who  
8 did it, John Kane, I have never been in that  
9 apartment. That's how he greets Police Officer Stark  
10 responding to a call of a disturbance.

11 Police Officer Stark and Officer Wadsworth say,  
12 that's fine, but what are we here about today? He  
13 explains to them about some vagrant who was in the  
14 basement, said something to his wife and then flipped  
15 a cigarette at him.

16 Then, without even being asked, he goes back and  
17 starts talking about the night the murder. This is  
18 what he told Police Officer Stark: Ruthy was hitting  
19 on him at the bar, Y.L. Childs, but only to whisper  
20 she wanted drugs from Kane, Kane deals drugs and  
21 doesn't give any away for free, we walked back  
22 towards her apartment, he went to buy cigarettes at  
23 7-Eleven and Ruthy and John went to her apartment, he  
24 then met Kane in an alleyway and gave him the beer  
25 and cigarette, he went home because he knew his wife

## Summation - People

1 would be mad at him if he stayed out any longer. And  
2 he finishes up with. When they picked me up, I  
3 didn't mention Kane because of the drugs.

4 He knows how devastating the inconsistencies  
5 were and now he's playing for an audience. He has  
6 Police Officer Stark, who he knows was the first  
7 police officer at the scene and found the body  
8 because he says to her I'm -- I saw the photographs  
9 of the body, I'm sorry you had to see that.

10 Think about that, ladies and gentlemen. What is  
11 he trying to do? What is he trying to do? He's  
12 trying to cover himself with the fact he never told  
13 the investigating detective any of the information he  
14 just gave to Police Officer Stark on October 18<sup>th</sup>.

15 Think about what he told her. He told her that  
16 he was with Kane. He told her that he was with  
17 Ruthy. He told them that he went to 7-Eleven and  
18 bought cigarettes and beer and then went and gave it  
19 to Kane in some alleyway. And he also told them that  
20 I even lied to the police when they arrested me  
21 because I didn't want to be associated with Kane.

22 Think about that. Think about that. What is he  
23 trying to do? And he's trying to sell that swill to  
24 all of you, ladies and gentlemen. That's what they  
25 are trying to do.

## Summation - People

1           Here is where it all comes home to roost, ladies  
2           and gentlemen, because the clean up, the clean up of  
3           that crime scene by Mr. Scrimo is where this all  
4           comes home, and he can't get away from it. He can't  
5           get around it no matter how hard he tries because the  
6           clean up is where the charade started and the clean  
7           up is where it's going to end.

8           You have to look at the clean up of that  
9           apartment after that murder occurred in the context  
10          of the April 20<sup>th</sup> statement and in the context of the  
11          May 3<sup>rd</sup> statement, in the context of when the police  
12          got the information about this purchasing of  
13          cigarettes and beer from the 7-Eleven store and in  
14          the context of the October 18<sup>th</sup> statement to the  
15          police.

16          Think about it. What was purchased at 7-Eleven?  
17          A twelve pack of Coors Light, pack of Vantage Ultra  
18          light 100s. You saw the crime scene, ladies and  
19          gentlemen. We have diagrams depicting every piece of  
20          evidence that was found in that apartment.

21          Where are the Coors Light? They are gone. They  
22          are not there. They are not there.

23          You know they were there, right? You know that  
24          they were there because, guess what, Mr. Scrimo in  
25          his conversation with the police on October 18<sup>th</sup> told

Summation - People

1       them, told Police Officer Stark, you know, I did go  
2       to the 7-Eleven store and I did by the cigarettes and  
3       beer, but I went and gave them to Kane in an alley.  
4       So you know they would have been up there, but when  
5       the police get there, when Crime Scene gets there,  
6       they are gone. They are not there.

7               Why are they gone? Think about it. Why is the  
8       Coors Light gone? Ask yourselves, who would be  
9       concerned about the Coors Light? Who would be  
10      worried if the Coors Light were found up in that  
11      apartment? Who would be concerned if the 12 pack of  
12      Coors Light were found at the scene of the murder?  
13      The person who bought them, the person who purchased  
14      them, the person who they could be connected with.

15             Why would John Kane be worried about the Coors  
16      Light? John Kane didn't purchase the Coors Light.  
17      John Kane was not in 7-Eleven. Only one person would  
18      be concerned about those Coors Lights being found at  
19      that crime scene and only one person would be  
20      connected with that 12 pack of Coors Light and that's  
21      him. That's him.

22             Something else not found at that crime scene,  
23      the great crime scene detective, 36 different items  
24      listed. What else is missing? The Vantage  
25      cigarettes, ladies and gentlemen. Where are the

Summation - People

1 Vantage cigarettes? You know he bought them, not  
2 only do you have the clerk saying he bought them, you  
3 have the store record and you've got October 18<sup>th</sup> he  
4 tells the police he bought them.

5 Where are they? Where are they? They are not  
6 there. There's not even an empty pack of cigarettes  
7 there. We've got a Vantage Ultra Light 100 found  
8 underneath the body with the victim's DNA on it. We  
9 have a Vantage Ultra Light 100 found underneath the  
10 ashtray with the victim's DNA on it. Where is the  
11 pack of cigarettes? It's not there.

12 Same analysis, ladies and gentlemen. Who up in  
13 that apartment would be concerned if those packs --  
14 that pack of cigarettes was found? Why would  
15 John Kane worry about that pack of cigarettes? He  
16 didn't buy it. There's nothing about the cigarettes  
17 to connect him with the crime.

18 It's not there because only Paul Scrimo would be  
19 worried about that pack of cigarettes being found at  
20 that crime scene because then it would be connected  
21 to him.

22 The Budweiser bottle, what do you think that's  
23 doing there? John Kane told you, I don't remember  
24 leaving a Budweiser bottle on the table, but I can  
25 tell you where the Budweiser bottle came from

Summation - People

1 probably. There is a mixture of DNA on that  
2 Budweiser bottle. Remember what Meghan Clement from  
3 LabCorp told you? There's a major contributor and  
4 minor contributor; John Kane is a major contributor,  
5 Mr. Scrimo is a minor contributor.

6 What does that mean? John Kane was drinking out  
7 of the bottle more than Mr. Scrimo was drinking out  
8 of the bottle. That's what that means. That's why  
9 there's a mixture of DNA on it, ladies and gentlemen.  
10 That's why there's a mixture of DNA.

11 Scrimo doesn't care about the Budweiser bottle  
12 because it can't connect him with the crime. Scrimo  
13 doesn't care about the cigarette butts because he's  
14 not a smoker and they can't connect him with the  
15 crime. The only items missing from that crime scene,  
16 ladies and gentlemen, are the items that could  
17 connect Paul Scrimo with that murder, items that he  
18 admitted to buying at 7-Eleven, items that the  
19 7-Eleven clerk observed him buying and you have a  
20 store record for.

21 Do you think that it's coincidence that the only  
22 items missing from that crime scene are things that  
23 connect him with that murder? I suggest not, ladies  
24 and gentlemen.

25 The reason why the Budweiser bottle was left is

## Summation - People

1 he didn't care about the Budweiser bottle. There  
2 were no fingerprints on the Budweiser bottle, just  
3 the cigarettes are gone and the Coors Light are gone.

4 Now, think about it. I would take that, ladies  
5 and gentlemen, over DNA and a fingerprint any day of  
6 the week, because when the only items that are  
7 missing from a crime scene can be shown to have been  
8 purchased by this defendant, not only by independent  
9 evidence but also by his own admission to Police  
10 Officer Stark, and those are the only items that are  
11 missing from a murder scene, that speaks volumes,  
12 ladies and gentlemen, as much as any DNA or any  
13 fingerprint.

14 Now, here is where it even gets more interesting  
15 because you really have to think about the 7-Eleven  
16 purchase and 7-Eleven clerk. Down the road, he's got  
17 a real problem. He's got a real problem. May 5<sup>th</sup>  
18 the police department and detectives find that  
19 7-Eleven clerk. They find the 7-Eleven clerk and the  
20 clerk remembers a sale about 4:00 a.m.. He remembers  
21 the sale. He made a sale to a regular customer. He  
22 made a sale to a regular customer, Mr. Scrimo. He  
23 makes a sale to a regular customer of particular  
24 items and it was peculiar that Mr. Scrimo would be  
25 buying a 12 pack of Coors Light and a package of

## Summation - People

1 Vantage Ultra Light 100s. He thought it was  
2 peculiar, so peculiar because normally he has another  
3 regular customer that buys those items and, in fact,  
4 the clerk says to him you going to see the blonde  
5 lady. And he smiles and he says yeah, don't tell my  
6 wife, and the clerk says take condoms.

7 Now, he's got a real problem because he's  
8 already told Detective McHugh that he went straight  
9 home and he's already told McHugh that he didn't stop  
10 anywhere. Now he finds out, uh-oh, uh-oh, they got  
11 me at the 7-Eleven.

12 So what does he do? This is all part of the  
13 charade, ladies and gentlemen, on October 18<sup>th</sup> when  
14 he sees Police Officer Stark, I got to cover myself,  
15 they got me at the 7-Eleven at 4:00 o'clock in the  
16 morning, what does he say? What does he say? Oh,  
17 yeah, I went there, I bought the cigarettes, I bought  
18 the beer, but I didn't go up in the apartment, I gave  
19 them to Kane outside.

20 Come on. Think about that. What do you think  
21 that's all about? It's to cover himself because he  
22 knows how devastating that piece of evidence is and  
23 think about what the clerk told you. Remember where  
24 Scrimo lives, where the clerk describes to you,  
25 Mr. Scrimo lives directly across from the 7-Eleven



Summation - People

1 store.

2 You can look at the map. After he purchased  
3 after he purchased the cigarettes and the beer and he  
4 gave him the condoms, he walked out of the front door  
5 and went to the right and to the right is where Ruthy  
6 Williams lived.

7 Make no mistake about this charade, ladies and  
8 gentlemen, make no mistake about it because that's  
9 what it is, and that's all it is.

10 Now, the leatherman tool, the tool that was  
11 found on Mr. Scrimo, think about who examined that  
12 cord, ladies and gentlemen. Detective Shiraldi  
13 examined the cord, Carlos Rossotti from the FBI  
14 examined it. What did they determine? The cord was  
15 cut with an instrument that produces a shearing type  
16 cut.

17 Detective Shiraldi demonstrated to you in the  
18 room here the difference between a cut and shearing  
19 type cut produced by that leatherman tool. Rossotti  
20 did his test cuts back in the FBI laboratory. What  
21 did he tell you? No, I can't tell you that that tool  
22 produced that particular type of cut, but I can tell  
23 you that that tool makes the same type of cut that I  
24 observed on the ligature that was wrapped around her  
25 neck.

Summation - People

1 Think about something else that Detective  
2 Shiraldi told you, his expert, his expert, went to  
3 the Nassau County Police Department laboratory, took  
4 the tool and cut several pieces of wire. Think about  
5 that. His own expert used that tool. Detective  
6 Shiraldi and Carlos Rossotti came in here and told  
7 you that that tool makes a shearing type cut.

8 MR. CHAMBERLAIN: I object to the comment about  
9 my expert. It's an improper comment.

10 MR. BIANCAVILLA: I just said he examined the  
11 tool. That's all I said. I didn't say anything else.

12 THE COURT: Ladies and gentlemen, it's your  
13 recollection of the testimony as to what it is and,  
14 again, you can have it read back if you desire.

15 MR. CHAMBERLAIN: I am objecting to the  
16 inference, not the facts.

17 THE COURT: The objection is overruled.

18 I want to remind you, ladies and gentlemen, it's  
19 your recollection, again, as to the testimony.

20 MR. BIANCAVILLA: Now, think about the way that  
21 cord was cut and think about the tool that was found  
22 on the defendant at the time of his arrest, the tool  
23 that he was wearing as he walked from the dart room,  
24 the tool he was wearing during the interview on  
25 April 20<sup>th</sup> with Detective McHugh. Do you think it's a

## Summation - People

1 coincidence that his tool produces the same shearing  
2 type of cut that the ligature was cut with before  
3 Ruthy Williams was strangled to death? Think about  
4 that.

5 At this point, ladies and gentlemen, we haven't  
6 even spoken yet about John Kane, but let's review the  
7 evidence that you have heard so far in this trial.

8 Paul Scrimo and Ruth Williams are at Y.L. Childs  
9 together after two o'clock in the morning with  
10 John Kane. Three witnesses, Tom Hartman, Mellisa  
11 Notarnicola and Francine Quinn put him there.  
12 Mellisa Notarnicola sees him, as she describes it,  
13 going at it with Ruthy on right side of the bar.  
14 Francine Quinn says they were kissing.

15 Francine Quinn sees him, or a man that looks  
16 just like the guy that she was at the bar with,  
17 arguing outside of the apartment.

18 We know what time Ruth William got home. How do  
19 we know? Because we have the telephone records. The  
20 telephone records show that Ruth Williams made a call  
21 out of her apartment at 4:00 o'clock in the morning  
22 to directory assistance. That's why the Verizon  
23 individual was here. So we know Ruthy was home by  
24 4:00 a.m. because she made that call to directory  
25 assistance.

## Summation - People

1           You have the 7-Eleven clerk who says that at  
2           approximately four o'clock in the morning, he comes  
3           in and buys a 12 pack of Coors Light, package of  
4           Vantage Ultra Light 100s and he gives him a couple of  
5           condoms. He sees him walk out the door, goes in the  
6           direction of Ruth Williams' apartment.

7           You've got the store records that show the sale  
8           occurred at 4:12 in the morning. We have a telephone  
9           cord that is found wrapped around, and tied in a knot  
10          around, Ruthy Williams' neck. He is wearing a  
11          leatherman tool, a leatherman tool that produces the  
12          same type of shearing type cut found on the ligature  
13          around Ruthy Williams' neck.

14          The only items missing from the apartment are  
15          the Coors Light and cigarettes. The items that he  
16          purchased from 7-Eleven, the items that could connect  
17          him with that murder scene.

18          He voluntarily goes to the police and lies to  
19          them before he's arrested, never mentions Kane, never  
20          mentions making out with Ruthy at the end of the bar,  
21          never mentions going to the 7-Eleven store.

22          He lies to the detectives after he's arrested,  
23          tries to say he told them about Kane, maybe I stopped  
24          at 7-Eleven, won't tell them the beer he bought,  
25          won't tell them the cigarettes he bought. His answer

Summation - People

1 to all of the confrontational questions are I'm a  
2 drunk, I don't remember.

3 Look at the story, how he changes it when he's  
4 got Stark there on October 18<sup>th</sup>. Well, you know, I  
5 was really kissing Ruthy at the bar but the only  
6 reason she was kissing me was to whisper in my ear  
7 she wanted drugs from Kane, you know, I really did go  
8 to the 7-Eleven store, I really did purchase that  
9 beer and cigarettes, but I didn't go up in the  
10 apartment, I gave it to Kane in the alleyway and I  
11 never really told the police about Kane because, you  
12 know, I didn't want to get involved in that drug  
13 thing.

14 Think about that ladies and gentlemen, what a  
15 mountain of evidence that is. He's the last person  
16 that's seen with her alive, and you have that  
17 mountain of evidence and we haven't even gotten to  
18 John Kane yet. We haven't even gotten to John Kane  
19 yet.

20 Now, I told you in the beginning, ladies and  
21 gentlemen, that you and you, and each of you, were  
22 fortunate because we have an eye witnesses to the  
23 murder.

24 John Kane as the killer, which is what they want  
25 you to believe, if John Kane is the killer, how come

## Summation - People

1 he's doing that song and dance with the police? How  
2 come there are three different stories floating out  
3 there in terms of what he did that night, what his  
4 involvement was? If John Kane is the killer, why is  
5 he doing all that? Why is he trying to distance  
6 himself from Ruth and Kane? Why wasn't he up front  
7 with the police on the 20<sup>th</sup>? Why was he fencing with  
8 them on the 3<sup>rd</sup>? Why did he deny going to 7-Eleven?  
9 Why does he call in Pamela Stark on the 18<sup>th</sup> to cover  
10 the first two stories he told, if John Kane is the  
11 killer? Why is he doing all that? It doesn't make  
12 sense.

13 The evidence of his lies and his charade only  
14 makes sense, if he's the killer, and not if John Kane  
15 was the killer.

16 If Kane was the killer, ladies and gentlemen,  
17 and Kane was concerned about the crime scene, why are  
18 the only things missing from the crime scene the  
19 things, the two items, that can connect him with the  
20 crime scene.

21 If Kane was cleaning up that crime scene to try  
22 to distance himself, why is the Budweiser beer bottle  
23 still on the table, the CD case still in the rack,  
24 his fingerprints on it? Why are his cigarette butts  
25 still on the kitchen table? If John Kane was

Summation - People

1 cleaning the crime scene, those things would have  
2 been gone, ladies and gentlemen.

3 The only thing missing are things that connect  
4 him with that murder.

5 Also, ladies and gentlemen, common sense tells  
6 you Kane is way to small to have killed Ruthy  
7 Williams the way she was murdered. Common sense  
8 tells you that. Remember the crime scene? Look at  
9 the video of the crime scene. That apartment, other  
10 than the napkins on the floor by the exit, is  
11 pristine. Nothing is out of place. Nothing is out  
12 of order. Remember the bed?

13 Look at the video. There were clothes hanging  
14 from the rail on top of the bed, not one of them is  
15 out of place, not a wrinkle in the bed spread.

16 Remember what Detective McHugh told you,  
17 John Kane weighed a 150 pounds when he was  
18 interviewed by the police right after the murder.  
19 Ruthy Williams was 5 feet 8, weighed a 165 pounds  
20 when she was murdered. She had Kane by 15 pounds.  
21 There's no way John Kane could have taken her down to  
22 the floor with one shot without messing up the bed,  
23 without knocking something over, or without some type  
24 of struggle which would have been seen in the crime  
25 scene.

Summation - People

1 Look at the way the body was found and look at  
2 the area around the body. Nothing out of place. It  
3 took a big man, a powerful man to take her down in  
4 one shot. It took a big man and a powerful man to  
5 crush her throat and break the bones that were  
6 testified to by the medical examiner.

7 Ladies and gentlemen, there's no way that  
8 John Kane could have overpowered Ruth Williams and  
9 crushed her throat the way her throat was crushed  
10 before that ligature was tied around her neck.

11 You heard John Kane testify. He came in here.  
12 He took the stand. He looked at each and every one  
13 of you.

14 Now, John Kane is what he is, ladies and  
15 gentlemen. I told you, we take our witnesses the way  
16 we find them. We don't try to dress them up, make  
17 them look better than they are. John Kane is what he  
18 is. John Kane May drink too much, his beard maybe a  
19 little bizarre, but you can't hold that against him.  
20 Common sense tells you he's no killer.

21 When he was testifying, did he seem evasive?  
22 Was he making eye contact with you? Did you get the  
23 feeling that he was just looking at you and telling  
24 you what happened that night? Did he appear nervous?

25 He didn't, ladies and gentlemen. He sat there.



## Summation - People

1 He looked at you. He told you what happened.

2 John Kane is John Kane, ladies and gentlemen. His  
3 life is installing floors, playing darts and drinking  
4 too much. It may be -- may not be much of a life,  
5 but you know what, it's John Kane's life and that's  
6 what it is. It's John Kane's life. He came in here  
7 and he told you what he saw that night.

8 During the course of your deliberations, you're  
9 going to have to determine what Mr. Scrimo's intent  
10 was when this incident happened. You're going to  
11 have to determine what he intended when he put his  
12 hands around her throat and he crushed her throat,  
13 her voice box, as the doctor told you.

14 You're going to have to determine what his  
15 intent was when he wrapped that ligature around her  
16 neck.

17 Now, Ruth Williams, ladies and gentlemen, I  
18 think it's fair to say, died a horrible death. You  
19 have to look at that photograph, when you are  
20 thinking about what Mr. Scrimo was thinking when he  
21 crushed her throat with his bare hands and then cut  
22 that cord and wrapped it around her neck like that.  
23 When you do that to someone, ladies and gentlemen,  
24 you want them dead and you want them to stay dead and  
25 that's exactly what he had in his mind when he did

## Summation - People

1 that. Make no mistake about it, there is no coming  
2 back from that.

3 We have been through this case, ladies and  
4 gentlemen. We have reviewed all the evidence. If  
5 you use your common sense, it's not hard to figure  
6 out from all the evidence what happened here. If you  
7 use your common sense, it's not really hard to figure  
8 out what Ruthy and Scrimo were arguing about. It's  
9 not hard to figure out what caused him to jump up  
10 from the table and say I don't need this crap, I'm  
11 out of here, and then attack her after she made a  
12 derogatory remark about his wife because, what have  
13 you learned?

14 Paul Scrimo has known Ruthy Williams for over  
15 two years. He knew her from the bars. He knew her  
16 from his friend Keith Wilson. Keith Wilson had told  
17 him, you know, Ruthy turns tricks up there. Keith  
18 Wilson told him that.

19 He was out drinking at Y.L. Childs. He was  
20 making out with her. In the words of Mellisa  
21 Notarnicola on the right side of the bar.

22 Francine Quinn described for you and Mellisa  
23 described for you how she was dancing for him on the  
24 right side of the bar, how she was dancing and taking  
25 her straps off.

## Summation - People

1           You know what was happening, ladies and  
2 gentlemen. He was drinking. She was drinking. He  
3 knew how drunk she was when he was walking back to  
4 that apartment. They go up to her apartment, him and  
5 Kane, and she's still drinking.

6           Remember Kane told you she's there with her  
7 glass of wine. Hey, hey, I'll go to 7-Eleven, I'll  
8 get some beer, no problem. He goes to 7-Eleven, gets  
9 beer, gets the cigarettes, oh, yeah I'll take those  
10 condoms.

11           He's going back, ladies and gentlemen, he's  
12 going back and he's going to try to get lucky with  
13 Ruthy Williams. He goes back up to that apartment.  
14 John is there. John's chilling to the Allman  
15 Brothers, sitting back drinking his beer, smoking a  
16 cigarette, chilling to the Allman Brothers.

17           Paul is trying to get lucky. She says no.  
18 That's what the argument is about, ladies and  
19 gentlemen. He gets up. He goes to leave. He says  
20 I'm out of here. I am not taking anymore of this  
21 crap.

22           John jumps up and goes chasing after him. Dude,  
23 where are you going, we just got here, have some  
24 beers, just chill, just chill.

25           She makes the comment about his wife. She

Summation - People

1 pushes the button. John Kane told you what happened  
2 next, ladies and gentlemen, how he pushed past him,  
3 grabbed her by the throat and threw her right down on  
4 the ground. Just like that, she was dead. Now she  
5 is dead and has to stay dead.

6 They cleaned up. They left. When they left, he  
7 was setting up a scene. He got rid of stuff that  
8 connected him with the murder. He got rid of the  
9 beer. He got rid of the cigarettes, and he said to  
10 Kane as they were walking home, don't worry about it.  
11 It's all taken care of. It's all taken care of.  
12 That's what happened that night, ladies and  
13 gentlemen. It's that easy. It's that simple.

14 You accept what's reasonable, reject what's  
15 unreasonable. Commons sense tells you I have proven  
16 this case beyond a reasonable doubt.

17 Ladies and gentlemen, Ruthy Williams, at a  
18 happier time, Ruthy may have lived a troubled life.  
19 She may have made some bad decisions, but she didn't  
20 deserve to die the way she died that night.

21 I am going to ask you to go out, deliberate, and  
22 I'm asking you to come back in here and tell  
23 Paul Scrimo he's not as smart as he thinks he is. I  
24 am asking you to go out and deliberate and hold him  
25 accountable for what he did to Ruth that night.

Summation - People

1 Thank you.

2 THE COURT: Ladies and gentlemen, at this time we  
3 are going to break for lunch. I am going to ask to be  
4 back here at 2:30

5 Do not discuss the case amongst yourselves or  
6 with anyone else. Keep an open mind. Do not form or  
7 express any opinions until the entire case has been  
8 completed.

9 Do not read or listen to any accounts of the  
10 case should they be reported in the media. Do not  
11 visit or view any place or premises that have been  
12 mentioned.

13 You are not to permit any party to discuss the  
14 case with you or attempt to influence you, and you  
15 must promptly report to the Court any violation  
16 thereof.

17 (Whereupon, the sworn jurors exited the  
18 courtroom.)

19 THE COURT: Have a nice lunch. We'll see you at  
20 2:30.

21 (Whereupon, a luncheon break was taken.)

22 A F T E R N O O N S E S S I O N

23 THE CLERK: Case on trial continues. All parties  
24 are present. The jurors are not present at this time.

25 People ready?